

THE SECOND UNITED NATIONS SEMINAR
ON THE
QUESTION OF PALESTINE

UNITED NATIONS SEMINARS ON THE QUESTION OF PALESTINE

CONTENTS (cont'd)

<u>Vienna</u>	<u>Page</u>
1. Report of the Second United Nations Seminar on the Question of Palestine	185
2. Opening address by Mr. Hans Georg Rudofsky, Head of the Division for the United Nations, Ministry of Foreign Affairs, Austria.	193
3. Statement by the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, H. E. Mr. Fallou Kane (Senegal)	194
4. <u>PAPERS PRESENTED AT THE SEMINAR</u>	
Human Rights and the Israeli Occupation of Palestine	Aruri 200
The UN and the National Rights of the People of Palestine	Mallison 215
Legal and Psychological Value of the National Arguments of the Palestinians and International Opinion	Chevalier 230
The Right to Self-Determination and the Establishment of a Palestinian Nation-State	Schoenfelder 233
The Universal Declaration of Human Rights and Israel's Occupation of the West Bank and Gaza	Adams 238
A Juridical Analysis of the Israeli Settlement in the Occupied Territories	Mallison 250
Palestinians and Human Rights: A Study of African Opinions and Attitudes to the Palestinian Question	Nyang 263
Palestinian Human Rights in the Context of the Historical Development of The Zionist Movement	Zogby 290
Nature of the Palestine Liberation Organization	Agaryshev 331
The Development of Palestine Liberation Organization Peace Policy	Sharabi 345
The Non-Aligned Movement and the Internationalization of the Palestine Question	Singham and Hune 351
The Nature of the Palestine Liberation Organization	Jiryis 374
The Formation of American Public Opinion on the Question of Palestine	Said 380
Western Public Opinion and the Palestinian Problem	Chorherr 390
The Palestinian Issue and Western Public Opinion	Stevens 398
5. List of Participants	404

1. Report of the Second United Nations Seminar on the Question of Palestine

1. In accordance with the terms of General Assembly resolution 34/65 D, the second United Nations Seminar on the Inalienable Rights of the Palestinian People took place at the Vienna International Centre, Vienna, Austria, from 25-29 August 1980. Nine meetings were held, at which the seminar afforded participants an opportunity to discuss the various aspects of the question of Palestine and to focus attention on the inalienable rights of the Palestinian people.

2. The United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People was represented by a delegation consisting of H.E. Mr. Falilou Kane, Chairman, Mr. S. Suryokusumo (Indonesia) who acted as Rapporteur of the seminar, Mr. Shamsad Ahmed (Pakistan) and Mr. Zehdi Labib Terzi (Palestine Liberation Organization).

3. The opening session of the seminar on 25 August 1980 was addressed by Mr. Hans Georg Rudofsky, Head of the Division for the United Nations, Ministry for Foreign Affairs, Austria, who referred to Austria's deep commitment to contribute to all efforts for the establishment of a just and lasting peace through a comprehensive settlement based on full respect for the principles and purposes of the Charter of the United Nations. At the same session, His Excellency Mr. Falilou Kane, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People gave a brief account of the Committee and its work and an evaluation of the Seventh Emergency Special Session on Palestine which took place in July this year. At its third session, the Chairman conveyed to the participants the contents of a telegram received from the Afro-Asian Peoples' Solidarity Organization extending good wishes for the success of the seminar.

4. In the course of the session, 15 panelists presented papers before the six panels established to consider different aspects of the central theme "The Inalienable Rights of the Palestinian People".

5. These panels, the panelists and titles of the papers presented were as follows:

A. Panel 1: The Fundamental Rights of the Palestinian People.

Dr. Naseer Aruri (Palestinian) and Dr. W. Thomas Mallison (United States America) presented papers entitled "Human Rights and the Israeli Occupation", and "The United Nations and the National Rights of the People in Palestine".

B. Panel 2: Legal Issues in the Question of Palestine.

Prof. Dominique Chevalier (France), Dr. Ingo Schoenfelder (German Democratic Republic) and Mr. Michael Adams (United Kingdom) presented papers entitled "The Legal and Psychological Value of the National Arguments of the Palestinians and International Opinion", "The Right to Self-Determination and the Establishment of a Palestinian Nation-State", and "The Universal Declaration of Human Rights and Israel's Occupation of the West Bank and Gaza".

C. Panel 3: Israeli Settlement Policies in the Occupied Arab Territories.

A paper was presented by Mrs. Sally V. Mallison (United States), entitled "A Juridical Analysis of the Israeli Settlements in the Occupied Territories".

D. Panel 4: Human Rights and Palestine.

Papers were presented by Dr. Sulayman Nyang (Gambia) and Dr. James Zoꝑby (United States of America) entitled "A Study of African Opinions and Attitudes to the Palestinian Question" and "Palestinian Human Rights in the Context of the Historical Development of the Zionist Movement".

E. Panel 5: The Nature of the Palestine Liberation Organization.

Papers were presented by Dr. Anatoly A. Agaryshev (Union of Soviet Socialist Republics), Dr. Hisham Sharabi (Palestinian), Dr. Archie Singham (Sri Lanka) and Mr. Sabri Jiryis (Palestinian), entitled "The Nature of the Palestine Liberation Organization", "The Non-Aligned Movement and the Internationalization of the Palestine Question", "The Development of the Palestine Liberation Organization Peace Policy", and "The Nature of the Palestine Liberation Organization".

F. Panel 6: The Palestine Issue and Western Public Opinion.

Dr. Edward Said (Palestinian), Dr. Thomas Chorherr (Austria) and Dr. Richard Stevens (United States of America) presented papers entitled "The Formation of American Public Opinion on the Question of Palestine", "Western Public Opinion and the Palestinian Problem", and "The Palestinian Issue and Western Public Opinion".

6. The discussions with which each session was concluded indicated general agreement amongst the participants on the main points raised by the panelists on the Question of the Inalienable Rights of the Palestinian People.
7. In accordance with established practice, the papers presented at the Seminar will be published by the United Nations and are annexed to this report in the order presented. The list of representatives of participating countries and organizations are also attached.
8. One of the main topics of discussion was the importance of the dissemination of accurate information on all aspects of the question of the rights of the Palestinian people, the nature of the Palestine Liberation Organization and of the difficulties of penetrating the artificial barriers often created by prejudice, ignorance and, at times, even vested interests.
9. It was felt that major mass media in most Western countries had, over a long period, displayed a decided bias against the Palestinians and an open sympathy for Israel which had resulted in misleading public opinion on this important issue.
10. In tracing the political and historical elements which accounted for the apparent inability of Western public opinion to understand the Palestinian issue, it was contended that the chief factor was the ability and the capacity of Zionism over the past 80 years to associate itself with the primary power thrusts of the Western world, and to exercise a disproportionate influence over the media. This was combined with such general factors as Western bias towards under-developed non-Western countries and conversely a fundamental respect for Israeli technology and modernity; ignorance of the Arab and Israeli realities; an ethnocentric Judeo-Christian religious tradition which accords special respect to Jewish definitions, and the inability of the Arab world to communicate with the West, to understand the nature of Western public opinion formulation, and restrictions imposed on Western journalists.
11. Consequently, even as the international community becomes increasingly aware of the need for the fulfilment of the inalienable rights of the Palestinian people, anti-Palestinian bias was always much in evidence and still has to be redressed. While some improvement had undoubtedly occurred in marginal areas of western public opinion formation, it was necessary for the international community to focus increasingly on those states whose national interests

need a settlement of the Palestine problem, which did justice to the Palestinian cause because Palestinian resistance and the sacrifices borne by the Palestinian people have enabled the international community to understand the question of Palestine in its political dimensions.

12. The achievement of this aim would be to highlight the isolated position of the United States and lead the American public to question the causes of their isolation and reach beyond the constrictions imposed by the traditional public opinion formulators. Only then could a new course be charted which would promote the Palestine issue to receive the understanding and sympathy which justice dictated.

13. The Seminar was convinced that every effort should be made to step up the widespread dissemination of information, as one of the major contributions to the achievement of a just solution of the problem of Palestine on the basis of the attainment of the inalienable rights of the Palestinian people in Palestine. The Committee on the Exercise of the Inalienable Rights of the Palestinian People and the United Nations Special Unit on Palestinian Rights had an important role in such dissemination of information. Furthermore, the United Nations Department of Public Information should make every effort to ensure that accurate information on the question of Palestine receives the widest possible dissemination.

14. The Seminar discussed at length Israel's policy of establishing colonial settlements in the Palestinian and other occupied Arab territories and was unanimous in its view that these settlements were illegal despite Israel's claim to the contrary and that the settlements constituted a real obstacle to a global solution. In addition, the seminar noted that continuing Israeli policy of attacks upon Palestinians wherever they may be, especially those in Lebanon, whose territory and inhabitants are at present subject to brutal and unprovoked military attacks.

15. The United Nations has a heavy responsibility to ensure that a solution is found for the problem of Palestine which is the core of the Middle East conflict, and effective measures should be taken to put an end to Israeli illegal policies and practices. The seminar was in complete agreement with the United Nations General Assembly and Security Council resolutions which have declared the Israeli settlements in the Palestinian and other Arab territories, including Jerusalem, occupied since 1967, and which called for complete withdrawal of the Israeli occupation forces from those territories.

16. Reference was made to the World Zionist Organization's "Master Plan for the Development and Settlement of Judea and Samaria 1979 to 1983", the confidential Israeli document which had been exposed in the Security Council and has now been issued as a United Nations official document. The seminar considered that that document, other statements made by Israeli leaders and the recognizable design in the establishment of settlements provided overwhelming evidence that the Israeli policy intended these settlements to be permanent and a base for the illegal annexation of the occupied Palestinian and other Arab territories.
17. The seminar was of the opinion that these settlements, of which the rate of establishment had escalated in recent months, constituted an alarming element which appeared to have as its final objective the Zionization of those territories through the expulsion of the Palestinian inhabitants from the occupied territories and by replacing them with Israeli colonies. That policy was the cause of serious provocations which escalated tensions and was a serious threat to international peace and security.
18. The Seminar was provided with an insight into the origins, structure and nature of the Palestine Liberation Organization. Considering its structure, its ability to grow and to endure and to draw together all the Palestinians within its broad framework, and its democratic decision-making process, the seminar was convinced that it offered the most advanced example of the public body recognized in international law, having as it did an extensive administrative machinery alongside its military and political structure.
19. The Seminar noted, as a significant development towards the attainment of the inalienable rights of the Palestinian people, that most countries of the world, including, at an increasing rate in recent months, many western European countries, had recognized the Palestine Liberation Organization as the representative of the Palestinian people, who should participate in any negotiations which involved their interests in the area. They had, moreover, allowed the Palestine Liberation Organization to open information and political offices in their capitals.
20. In formulating its policies the Palestine Liberation Organization had made it clear that a just and lasting solution could only be achieved in a comprehensive settlement derived from international legality. The Seminar fully supports this position of the Palestine Liberation Organization. Among the principles which the international community had reaffirmed as the basis for such a settlement were:

- a) the inadmissibility of the acquisition of territory by force;
- b) the inalienable right of the Palestinians to return to their homes and property in Palestine;
- c) the right of the Palestinian people to self-determination without external interference and to national independence and sovereignty, and
- d) the right to establish its own independent sovereign State.

21. A peace settlement was presently out of reach due mainly to Israeli intransigence, and due to the Israeli Government's inability or unwillingness even to propose a reasonable framework for a just settlement that could be considered by the international community. Other serious obstacles were the support Israel receives, such as the efforts by the United States to achieve a partial settlement outside the United Nations framework on the basis of a separate deal between Egypt and Israel, the exclusion of the Palestine Liberation Organization and the denial of the inalienable rights of the Palestinian people.

22. In this context the Camp David Accords were discussed, on the basis of the data available, and there was widespread convergence of opinion among the experts that the Accords represented a flagrant violation and negation of the inalienable rights of the Palestinian people as defined and reaffirmed in United Nations resolutions, particularly in resolution 3236. Similarly, opinion converged that insofar as it related to the rights of the Palestinian people the Accords had no legal validity and were condemned. They felt that any endeavour towards achieving a comprehensive settlement must be undertaken only within United Nations framework on the basis of relevant resolutions of the United Nations General Assembly and the Security Council and with the active and full participation of the Palestine Liberation Organization.

23. It was noted with satisfaction that the fundamental necessity for implementation of the inalienable rights of the Palestinian people as an essential requirement for a peaceful settlement in the Middle East had gained wide acceptance in recent years. Several important statements, including the US/Soviet joint statement on the Middle East on October 1977 and the statement published after the meeting of heads of government of the European Economic Community in Venice in June this year referred to the legitimate rights of the Palestinian people.

24. Those rights included not only political rights as reaffirmed by the United Nations General Assembly but also human rights to which the Palestinians were entitled like any other people in the world. The Seminar deplored the tragic situation of the Palestinians living in the West Bank and the Gaza Strip who were daily subjected to harassment, inhuman treatment and torture and were deprived of their basic freedoms in violation of the Fourth Geneva Convention of 1949 and the Declaration of Human Rights. Several concrete cases of torture, unlawful imprisonment, internal exile and expulsion were brought to the notice of the Seminar. Reference was made to the increasing collaboration and collusion, in recent months, between the Israeli authorities and militant and extremist civilian groups in harassing the Arab inhabitants in the illegally occupied territories, who were denied about half the rights listed in the Declaration of Human Rights. The Seminar was unanimous in its view that the disgraceful state of affairs in the territories illegally occupied by Israel should be brought to an end.

25. The Seminar considered it to be essential to inform public opinion of the legality of resistance to occupation by all means, including armed struggle which has been defined by the United Nations Charter as well as by General Assembly resolution 3070 of 30 November 1973. However, the Seminar also emphasized the importance of the use of diplomatic, political and juridical means to obtain a just and lasting solution to the question of Palestine.

26. The Seminar denounced Israel's unilateral decision to annex Jerusalem. It was of the view that the historical character of the City of Jerusalem must be recognized and that all religious communities and authorities throughout the world should make themselves heard and work towards promoting justice and co-existence in the City of Peace. In this connexion the Seminar noted with satisfaction that for the first time in many years, the European members of the Security Council had introduced a resolution on Jerusalem, and that those countries who had hitherto had their Embassies in Jerusalem were in the process of withdrawing them.

27. The Seminar noted the pivotal role played by the Non-Aligned Movement and the Organization of the Islamic Conference in projecting the Palestinian cause and in mobilizing better understanding in the international community about the various aspects of the question of Palestine. In this connexion the Seminar particularly noted their efforts at the United Nations in focusing world attention on the seriousness of the problem and on the need for an early solution as manifested in the resolution adopted with an overwhelming majority by the recent Seventh Emergency Special Session of the United Nations General

Assembly.

28. The Seminar endorsed a suggestion that an International Conference should be convened early to consider the plight of the Arab inhabitants in the occupied territories. It was agreed that this suggestion should be referred to the Committee on the Exercise of the Inalienable Rights of the Palestinian People which could, if it approved of the suggestion, take the necessary steps for its implementation.

29. The Seminar emphasized its opposition to all forms of racism including apartheid, anti-Semitism and Zionism which are closely allied to each other. The basic distinction between Judaism, one of the great monotheistic religions of universal moral values, and Zionism, a racist political movement, must be recognized.

30. The Seminar reaffirmed that the Palestine Liberation Organization is the sole legitimate representative of the Palestinian people, and was in complete agreement on the fundamental issues concerning the rights of the Palestinian people as defined in United Nations resolutions.

31. The representatives of the governments which participated in the Seminar expressed their appreciation for the efforts which were generously deployed by the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The representatives of governments also expressed their gratitude and highest consideration for the quality, impartiality and depth with which the eminent experts treated the themes which each dealt with in keeping with their internationally recognized competence. The representatives also expressed their thanks to the Director and the Secretariat of the International Centre of the United Nations in Vienna for the services which they warmly provided to the Committee within the modest means at their disposal in disseminating information and in contacts with the mass media.

32. The Seminar concluded with an expression by the participants of their appreciation to the Government of Austria for its assistance and co-operation in permitting the Seminar to be held in Vienna and for the hospitality and courteous services extended to them.

2. OPENING ADDRESS BY MR. HANS GEORG RUDOFSKY,
HEAD OF THE DIVISION FOR THE UNITED NATIONS,
MINISTRY FOR FOREIGN AFFAIRS, AUSTRIA.

It is an honour and privilege for me to welcome you on behalf of the Austrian Government. We take note with satisfaction that Vienna was chosen as the site of the European Regional Seminar in accordance with General Assembly resolution 34/65 D.

The professional and scientific eminence of the diplomats, scholars and experts assembled here at the Vienna International Centre to participate in the Second United Nations Seminar on Palestinian Rights is impressive and gives vivid testimony to the seriousness of purpose, the dimension and urgency of the cause.

As you are well aware Austria takes a keen interest in the fate of the Palestinian people. I would only like to refer to the statements of Chancellor Kreisky on October 29, 1979 and Foreign Minister Pahr on September 26 1979 before the General Assembly of the United Nations. Our position on the Middle East remains unchanged as well as our deep commitment to contribute to all efforts for the establishment of a just and lasting peace through a comprehensive settlement based on the full respect for the principles and purposes of the Charter of the United Nations.

I am confident that the distinguished experts participating in this seminar will continue the fruitful and mutually advantageous deliberations of the African Regional Seminar in Arusha and will, through, their common scientific and intellectual efforts, open new avenues and provide a further impetus for the peace process in the Middle East.

I wish you a very pleasant stay in our city and would like to express the hope that Vienna's intellectual and cultural atmosphere will have an inspiring impact on your work.

3. STATEMENT BY THE CHAIRMAN OF THE COMMITTEE ON THE EXERCISE
OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE,
HIS EXCELLENCY, MR. FALILOU KANE

May I first, on behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and on my own behalf, thank the Government of Austria for their kind co-operation in holding this Seminar in their beautiful capital of Vienna. This modern conference centre, which they have so generously made available to the United Nations will, I am sure, by its congenial surroundings and the modern facilities it places at our disposal, assist us considerably in the important deliberations we shall have in the next few days.

In meeting here today, at this Seminar, to exchange views on the Question of the Inalienable Rights of the Palestinian People, we are fulfilling the mandate given to us by the United Nations General Assembly at its 34th regular session in December 1979.

Events since then, and I refer particularly to the seventh emergency special session of the General Assembly last month, have served to highlight the fact that our work here is of vital importance and will be a positive contribution towards a just solution to the Question of Palestine.

Ever since its creation, the United Nations has been occupied with the problem of the Middle East. It very soon became evident that the Question of Palestine was at the core of the problem of the Middle East and that a solution to the Question of Palestine was a sine quo non for a just and lasting peace in that region.

In its resolution 181 adopted in 1947, the General Assembly recognized the right of the Arab people of Palestine to have, side-by-side with the Jewish people, an independent State of Palestine. Unfortunately, only part of this resolution was applied and only the Jewish State came into being. This does not mean that this resolution and resolution 194 adopted in 1948, which decided that those refugees who wished to return to their homes as soon as possible and to live at peace with their neighbours, should be permitted to do so, are no longer valid; the contrary is true. The conditions in which the Palestinian people found themselves - conditions which were unfavourable to the exercise of their right to self-determination - was the main obstacle to the implementation of these resolutions. The dispersal of the Palestinians to the neighbouring States, the occupation by Israel since 1967 to the whole of that part of Palestine which, in terms of General Assembly resolution 181, rightfully belongs to the Palestinians, and the state of war between Israel and the Arab States - all these conditions were hardly propitious to the exercise of the right to self-determination.

For some time the focus was solely on the humanitarian aspects of the problem but clearly this was not enough. It took twenty-seven years, during which the political aspects of the question of Palestine were pushed into the background before serious consideration was given to the national rights of the Palestinian people. In the 1970's the General Assembly, paying increasing active attention to the political aspects of the Palestine problem, adopted in 1974, at its twenty-ninth session, resolution 3236 (XXIX), which reaffirmed the inalienable rights of the Palestinian people, including the right to self-determination without external interference, the right to national independence and sovereignty and the right of the Palestinians to return to their homes and property from which they had been displaced and uprooted.

Resolution 3236 (XXIX) was followed in the next year by resolution 3375 (XXX), which called on the Palestine Liberation Organization, the representative of the Palestinian people, to participate in all efforts for peace made under the auspices of the United Nations on an equal footing with other parties. These resolutions marked the turning point in United Nations efforts to restore their legitimate rights to the Palestinian people. However, seeing that its recommendations were not being implemented, the General Assembly established in 1975 the Committee on the Exercise of the Inalienable Rights of the Palestinian People. This Committee, of which I have the honour to be the Chairman, has drawn up and presented to the General Assembly a programme designed to permit the Palestinian people to exercise the rights recognized in resolution 3236 (XXIX), taking into account in the formulation of those recommendations "all the powers conferred by the Charter on the principal organs of the United Nations."

The Committee was guided in its work by the following principles:

- (a) The Question of Palestine is at the core of the problem of the Middle East and no solution can be envisaged which does not take full account of the aspirations of the Palestinian people;
- (b) The implementation of the inalienable rights of the Palestinian people to return to their homes and to achieve self-determination, national independence and sovereignty will contribute to a settlement of the Middle East crisis;
- (c) The participation of the Palestine Liberation Organization, the representative of the Palestinian people, on an equal footing with other parties on the basis of General Assembly resolutions 3236 (XXIX) and 3375 (XXX) is indispensable in all efforts, deliberations and conferences on the Middle East which are held under the auspices of the United Nations.
- (d) Inadmissibility of the acquisition of territory by force and the consequent obligation of Israel to evacuate speedily any territory so occupied.

The Committee's recommendations, which were first submitted to the General Assembly in November 1976, have been repeatedly endorsed by the General Assembly in 1977, 1978, 1979 and, most recently, at the seventh emergency special session in July 1980. Unfortunately, the Security Council, which has a leading role to play in the implementation of these resolutions, has been unable to take any decision on them because of a veto by one of its Permanent Members.

In spite of this deadlock, I remain convinced that the United Nations has an essential role to play in resolving the problem of Palestine. It is not too much to demand of it. It has the competence. It also has the power. But, it is the will - especially of one of the Permanent Members of the Security Council - that is lacking. It is for this reason that following the most recent exercise of the veto, on 30 April 1980, which once more blocked effective action by the Security Council on the Committee's recommendations, that I, in my capacity as representative of Senegal and Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, requested the Secretary-General to convene an emergency special session of the General Assembly devoted to the Question of Palestine.

As you are aware, the emergency special session took place last month. The fact that over thirty Foreign Ministers participated in the session and about 110 Member States took part in the debate is indicative of the importance that was attached to the emergency special session. The majority of those participating in the week-long discussions were unequivocal in their support of the cause of the Palestinian people, and this was demonstrated in the vote on the resolution, which was adopted by 112 votes in favour, with 7 against and 24 abstentions. Most significant was the fact that the majority of the Western European countries that had consistently voted against any resolution reaffirming the rights of the Palestinian people modified their position on this occasion and abstained on the resolution, even though it went further than previous resolutions on this item, and requested the Security Council to consider, if necessary, the adoption of effective measures under Chapter VII of the Charter.

Of course this shift in the position of the Western nations had been foreshadowed at the Summit meeting in Venice in June this year. The decision taken in Venice signified an important step forward in the position of the European countries towards recognition of the rights of the Palestinian people. Evidently, their abstention on the vote at the emergency special session was influenced by the necessity to maintain an impartial stance so that the initiatives decided on in Venice would not be jeopardized. It is clear, however, that Western Europe is now prepared to accept the facts that surround the question of Palestine.

An important element in bringing about this change has been the willingness of the media to give greater and more objective coverage to the development of the situations in the region. For many years they refused to do so, especially in the United States. Biassed reporting had the unfortunate effect of always showing the Palestinian people in an unfavourable light or completely ignoring them. This, however, is no longer the case. There is a discernible change in the reporting of events in the region - a significant step towards better understanding of the problem. In the conviction that, if all the facts on the question of Palestine were known, the resultant understanding of the question would convince the international community of the just cause of the Palestinian people, the Committee has tried to ensure that the facts reach not only those willing to listen but also those who had hitherto consistently refused to do so.

In 1977 the General Assembly requested the Secretary-General to establish within the Secretariat a Special Unit on Palestinian Rights which, under the guidance of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and in consultation with it, would prepare and distribute studies on the question of Palestine in order to promote a better understanding of the problem. In the last two years this Unit has prepared several studies which have proved most effective. Moreover, the Department of Public Information of the United Nations, in consultation with the Committee, has produced a film on Palestinian rights entitled "Palestinians Do Have Rights". This film, I expect, will be screened during this seminar. I would mention that this film recently received the second prize at the 22nd American Annual Film Festival organized by the Educational Film Library Association in New York.

All these efforts have borne fruit. In the course of the last 18 months we have witnessed a radical change in public opinion on this subject. Apart from the large international organizations such as the Non-Aligned Movement, OAU and the Islamic Conference, which always understood the true aspects of the question of Palestine, and repeatedly reaffirmed their solidarity with the Palestinian people, the States of Western Europe have in recent times, as I stated earlier, displayed a better understanding of the aspirations of the Palestinian people and shown themselves ready to join the ranks of those who support the Palestinian cause. The importance which the Committee attaches to this question of information is reflected in the fact that at this seminar there is one panel which deals with the question of Western public opinion. After all, it is in Western Europe and North America that we still have to make headway in persuading the public to keep an open mind and to look for the facts. For the public to be aware of the facts, the media must present them in an objective manner.

An appropriate understanding of the facts of the case will make it abundantly clear that it is the intransigence of Israel that has made a just and durable solution to the problem impossible. In spite of numerous resolutions adopted by the United Nations General Assembly and by the Security Council, Israel has continued to defy world public opinion and those resolutions. Such provocation and arrogance can be tolerated no longer. The result of such action has been

33 years of violations, frustration and tension, endangering peace not only in the area but throughout the world.

The expulsion of the mayors of Hebron and Al-Houl as well as the Judge of Hebron and the assassination attempt against the mayors of Nablus, Ramallah and El-Bireh, are events which contribute to increased tension between the Arab populations and the occupying forces, and violate the Fourth Geneva Convention of 12 August 1949.

Besides, if we consider that 85 new settlements are envisaged between now and 1985, which would bring the Jewish population in the West Bank from 14,000 to 150,000 people, one may well ask what will happen to the Palestinians? Will they have to pack their bags or did their graves?.

The persistent delinquency of Israel would tend to make us imagine the worst. That is why the international community, eager for peace, justice and freedom cannot pass over in silence the fact that a people is actually facing genocide, insidious indeed, but nevertheless systematic.

If it is true that humanity must be haunted by original sin, it is just as true that we must do everything to ensure that our grandsons will not be ashamed if, in the 21st century they are asked the question: What did your fathers and grandfathers do when the Palestinians were being exterminated and Palestine cut up? Just as today, we wonder how we allowed the extermination of the pre-Colombian civilization (Mayas, Incas), the North American Indians, the Armenians and the Jews with silence and great indifference?

Most recently Israel's defiance of United Nations resolutions and world public opinion has been shown in its actions relating to Jerusalem. Its decisions to move its capital to Jerusalem can only endanger peace. It is essential that the international status of the City of Jerusalem must be recognized, and General Assembly resolution 181 (II) must be applied to make it into a corpus separatum. This status alone will permit it to retain its character as a Holy City open to all religions and also its historical and Arab character. No other status would be acceptable to Christians and Moslems throughout the world, since for them, Jerusalem is not just a symbol, but is a part of them, an embodiment of their deepest religious beliefs. Increasingly, the international community has been forced to consider recourse to Chapter VII of the United Nations Charter to appeal to Israel to abandon its intransigent attitude. Such action cannot be totally excluded if Israel persists in ignoring the appeals to reason that are being addressed to it from all quarters.

In the mean time, unceasing and tireless efforts must continue to be made to persuade Israel to desist from its arrogance and put an end to an unjust situation, as a result of which it now represents the most serious threat to world peace.

We will not rest until we have achieved this aim. Our meeting at this seminar is one more step in that direction.

Last month a similar seminar was held at Arusha, United Republic of Tanzania. The work we do here, as at Arusha, will be a major contribution towards a better understanding of the problem of Palestine.

It should be emphasized that a wind of change is blowing with regard to the question of Palestine. I refer to:

1. The "neutral" vote of the European countries at the special session of the General Assembly on the question of Palestine (22-29 July 1980).
2. The introduction by the European members of the Security Council (France, United Kingdom, Portugal and Norway) of the resolution on Jerusalem, and their vote on that resolution only a few days ago. This is the first occasion in a very long time that the European countries have submitted a text on the question of Palestine to the Security Council.
3. The withdrawal from Jerusalem of the ambassadors of countries which were formerly represented, first Venezuela, even before the 29 July vote on the resolution of the special session of the General Assembly, followed shortly thereafter by Ecuador, Chile, Uruguay and, just recently, Costa Rica. I believe that the Netherlands will not lag behind, and will follow the trend in a few days, as will the other countries which are still represented in Jerusalem.
4. Leading religious organizations have denounced Israel's unilateral decision concerning Jerusalem. I refer to the World Council of Churches which recently met in Geneva. As is known, the Vatican has spoken out on this issue on several occasions, particularly following the visit to the Vatican of King Hassan II of Morocco in his capacity as Chairman of the Al Quds Committee of the Islamic Conference.

The time has come for all religious communities and authorities throughout the world to make themselves heard and to work towards promoting justice and coexistence in the City of Peace.

Between the Arusha and Vienna meetings, in the space of little more than a month, the Palestinian cause has made an enormous leap forward.

Our Committee is proud to have contributed to this progress. We therefore hope that this seminar will work under auspicious conditions and will promote a better understanding of this great and noble cause. In conclusion, I should like to thank all of you, and in particular those who have given their valuable time to prepare papers which will contribute towards the success of this seminar.

4. PAPERS PRESENTED AT THE SEMINAR

HUMAN RIGHTS AND THE ISRAELI
OCCUPATION OF PALESTINE

Naseer H. Aruri

Throughout the present century, Palestinians endured four occupations, the Turkish, Jordanian, British and Israeli, all in the span of two generations. The relationship between the occupying power and the civilian inhabitants of the occupied territory is regulated by international law. Numerous charters, conventions, and declarations define the rights and obligations of both parties. ^{1/} The rules governing occupations, however, remained virtually absent throughout the interaction between Palestinians and all their occupiers. The Ottoman Turkish occupation predated the promulgation of most of these precepts which were enunciated in the aftermath of the Second World War. During the Ottoman period, the tax collector and the army recruiter served as the dominant symbol of the occupation regime.

The British occupation was rationalized by a League of Nations mandate as necessary for the "well-being and development of peoples not yet able to stand by themselves under the strenuous conditions of the modern world". Although the League Covenant recognized the independence of the Arab provinces of the defeated Ottoman Empire, it made that independence subject "to the administrative advice" of the mandatory, and in the case of Palestine it added the Balfour Declaration as another condition.

The civilizing mission undertaken by Britain was simply a euphemism for imperial ambitions. Palestine was strategically located at the crossroads and adjoining the Suez Canal. This geo-political reality was well-understood by Zionist leaders who dreamt about establishing a Jewish state in Palestine. Theodore Herzl wrote in the Jewish State:

We should there (in Palestine) form a part of a wall
of defense for Europe in Asia, an outpost of civilization
against barbarism.

The relationship therefore, between those who assumed the "sacred trust of civilization" and the untutored natives was dictated by British imperial interests and commitments to international Zionism. The symbols of the British occupation were their mounted police, tax collector and the district commissioner who together shared the responsibility for the maintenance of law and order for the duration of the occupation.

The next occupation was motivated and rationalized by different considerations and principles from those which characterized the Ottoman and British rules. Hashemite Transjordan was hardly a state much less even a nation with a well-developed foreign policy or a coherent ideology. Dynastic ambitions constituted perhaps the most crucial factor in the annexation of Eastern Palestine by

Trans-Jordan. Arab unity was the principal rationale for the merger of the two "banks" of the Jordan River on April 25, 1950, but the Act of Union made it clear that the merger did not prejudice the "final settlement of the just case of the Palestinian people". The merger was, therefore considered, in theory at least, neither immutable nor irrevocable.

Although the Palestinians failed to set up a uniquely Palestinian State, their participation in the Jordanian political system gained them access to political power.

The Israeli occupation of Palestine has the unique distinction of being associated with an ideology which denies the very existence of the Palestinian people. The question of human rights in occupied Palestine is inextricably tied with Zionist ideology. Unlike European colonialism of the 19th century which sought to rule over people in Asia and Africa in an attempt to maximize profits or enhance strategic positions, Zionism was patterned on the 17th century type of colonialism. The notion of the minority settler supremacy was evident in Zionist thought early in this century. David Ben Gurion, the first Prime Minister of Israel, voiced his admiration of the adventures of European settlers on the North American continent and their encounters with the native Americans in a speech he gave in New York in 1915:

The history of American settlement shows how herculean were the tasks of the colonists who came to find the new Homeland in the New World... how many and how fierce the fights they fought with wild nature and wilder redskins, the sacrifices made before they unlocked the continent for mass influx and colonization.

Zionist leaders were not unaware of the fact that the "outpost of civilization" which they pursued will be inhabited, but they were confident that native resistance would be overcome by an "assured supremacy" guaranteed by the West. Herzl recorded in his diary that after the Jewish State is established it would be necessary to "spirit the penniless population across the frontier by denying it employment".^{2/} A basic tenet of Zionism is that the dominant Jewish majority has rights denied to others. Israel is considered legally "the sovereign state of the Jewish people".^{3/} Even before the establishment of the State, the Arab majority was rendered by the Balfour Declaration and the Zionist draft which it amended as the "existing non-Jewish communities", and the only safeguard they were given pertained a civil and religious rights, while the phrase political rights was deliberately omitted.

Today, over a half a century since the Balfour Declaration, the Arabs of Palestine have neither enjoyed the political rights which they are entitled to as a "people", nor even the civil or religious rights promised to them by a former occupier of their land. The Zionist ideology of the new occupiers

precludes these rights for the occupied. In fact the Palestinians are viewed by their occupier as temporary residents. According to the "Homeland Doctrine" enunciated by the Labor Government and supported by the Likud, the territories occupied since 1967 form part of the natural boundaries of the state of Israel and are not occupied within the meaning of international law. 4/ The Palestinians in these territories are considered as people living on sufferance. Eren-Porat insisted in a newspaper article written eight years ago that "there is no Zionism, and there is no settlement, and there is no Jewish State without evacuation of Arabs and without expropriation and fencing of lands". 5/ More recently the daily Al Hamishmar carried an article titled "The Truth About Kiryat Arba Men" which expresses the sentiments of Gush Emunim settlers on this question. Meir Indor, a spokesman for the settlement is quoted as saying:

"The Arabs must know that there is a master here, the Jewish people. It rules over Eretz Israel...The Arabs are temporary dwellers who happen to live in this country. There are commandments in the Bible concerning such temporary dwellers and we should act accordingly". 6/

The Gush Emunim derive their inspiration not only from political Zionism but mainly from the Jewish Religious Law (Halacha). The security argument for retaining the occupied territories, prevalent between 1967 and 1977, is being pre-empted by a historical argument. Menachem Begin's stand with regard to Jewish sovereignty in the "West Bank" and Gaza was promoted from a rhetorical slogan of the right wing opposition to a negotiable item for presidents Carter and Sadat. For more than thirty years the Likud expansionist scheme, laden with a parochial and an anachronistic historical perspective, was taken seriously by the very few who were addicted to hallucination. The late Israeli historian, Jacob Talmon complained that he couldn't really be expected to face sophisticated colleagues abroad and tell them that the Jews have a "divine title deed to the land and that this title deed preempts all other legal claims". 7/

Today, however, thanks to President Carter and Sadat, the context of the Camp David proposals render imperative the fact that legal sovereignty is at issue in the West Bank. The three chief executives arrogated to themselves the right to determine that the rights of the Palestinians living under occupation do not extend beyond autonomy. Begin even restricts that autonomy to the people but not to the land.

Faced with a colonial settler regime, asserting divine claims and pressing to acquire the "land without the people", Palestinians in the occupied territories were left with but one option - to resist the occupation. Their struggle for social advancement and for civil rights has been part and parcel of the nationalist struggle. The occupation authorities as well as the Jewish settlers make no distinctions in their encounter with their captives based on social class, sex or creed. The confrontation is total in which one community is determined to replace the other, which, in turn refuses to accept its negation. A cycle of violence is therefore implicit in this kind of relationship in which the occupier inevitably defines every single member of the occupied community as a potential terrorist and a suspect. A reign of terror is the logical result.

The October War of 1973 produced a chain of events resulting in a new and an unprecedented challenge, on the political level, to the Israeli occupations of 1948 and 1967. The myth of Israeli invincibility was effectively challenged by Arab armies, whose performance revealed a capacity to assimilate modern technology and to eventually bridge the gap. The declarations of the Arab summit conferences at Algiers and Rabat in 1973 and 1974 heightened the morale of the captive Palestinian population in the occupied areas and in Israel proper, and reinforced their will to resist. These declarations elevated the role of the Palestine Liberation Organization in the diplomatic configurations of the Middle East and pushed the Organization into center stage of Middle East diplomacy. The PLO was declared sole legitimate representative of the Palestinian people.

Other factors which intensified the resistance to the Israeli occupation was a determined attempt by the regime to tighten the reins and create new facts in the occupied territories. Both the Rabin and Begin governments embarked on rapid schemes of colonization in the West Bank. The number of settlements has mushroomed to over eighty settlements. Moreover, economic measures designed to weaken indigenous institutions and to further subordinate and integrate the economy of the occupied areas to that of Israel. The latest such act was the decision to take over the concession of the East (Arab) Jerusalem Electric Company in early July 1980.

Two groups in particular have played the vanguard role in this resistance during the past seven years. The Palestine National Front (PNF) was declared on August 15, 1973 in response to the escalation of Israeli repression and colonization and to the setbacks suffered by the Palestinian nationalist movement in Jordan in 1970-71. The PNF adopted the approach of Civil disobedience and non-violent resistance, organizing against land confiscation and sales and publicizing the plight of political prisoners. It campaigned against the Israeli sponsored municipal elections designed to legitimize the Israeli annexation of Jerusalem. The insignificant Arab turnout in these elections was largely to the credit of PNF. Furthermore, the PNF foiled Israeli efforts to link Arab labor to the Histadrut (Israeli Labor Federation), encouraged businessmen not to pay taxes to the Israeli authorities, and organized massive demonstrations to protest the expulsion of eight Palestinian leaders from the West Bank in December 1973. By April 1974, the occupation authorities launched a repressive campaign against the Front, placing a large number of its leaders under administrative detention without charge or trial.

The crackdown against the PNF was followed by new acts of resistance. The Day of the Land held on March 30, 1976, the municipal elections in the West Bank during the next month, and the April 18, 1976 march by Gush Emunim throughout the West Bank provided a context for full scale political activities throughout the occupied areas and the Galilee region.

The municipal elections of 1976 represented a new juncture in the Palestinian struggle. The former leaders left over from the Hashemite regime were replaced by a new generation of progressive mayors who ran on the National Bloc list of the PLO and PNF. They captured 148 seats out of a total of 191 seats contested throughout the occupied territories. The past four years since the municipal

elections witnessed a sustained resistance and an escalation of repression. The emergence of Begin's government followed by the Camp David affair and the Israeli-Egyptian treaty increased the tensions to unprecedented proportions.

With Begin in power, it became increasingly clear that the occupation was here to stay. In fact the differences between Likud and Labor were peripheral but the former was less discreet about its plans for the occupied territories. Begin's symbolic visit of settlements served notice that the Israeli presence in the West Bank and Gaza is permanent. His plan of self-rule which was announced in the Knesset in December 1977 assumed center stage in the Camp David agreements and was indeed the framework for the so-called autonomy talks between Egypt, Israel and the United States. The agreements of Camp David which condemned the West Bank and Gaza to a permanent status of subordination, less than a Batustan, and which sentenced the Palestinians outside Palestine to a permanent exile were denounced as a plot against the Palestinian people. A declaration affirming the unity of the Palestinian people under the sole leadership of the Palestine Liberation Organization was signed on October 1, 1978 by the overwhelming majority of Mayors and City Councils and the various civic, professional and labor organizations in the occupied territories.

The mayors organized themselves under the National Guidance Committee acting as the principal "legal" opposition after the PNF was pushed underground. The mayors issued appeals and manifestos, sent protest cables, sponsored rallies and demonstrations as the occupation regime intensified its repression. The Israeli authorities countered by a series of measures designed to inhibit all political activity, consisting of the following:

1. Warnings to mayors that they are held responsible for civil disobedience activities emanating from their district.
2. Restrictions on public meetings and freedom of movement including that of the mayors themselves.
3. Curtailment of the mayor's roles as providers of social and economic services through the use of the military Governor's power to issue or deny licenses for municipal projects. The power to block the transfer of funds earmarked for various municipalities from abroad has proven to be a strong weapon in the hands of the military

The Post-Camp David period witnessed an escalation in repression and violation of human rights including censorship, restrictions on all political activity, interference in municipal affairs, facilitating land transfers, crack-down on universities, collective punishment, expulsion of dissenters, and various forms of terrorism ranging from beatings to murder.

The Begin Government made use of a variety of laws and regulations to acquire land for Jewish settlements in the occupied areas. There are "waste lands" which the government can "return to its ownership" even if they were cultivated in the past and are a private possession of the cultivators. 8/ Arab landowners customarily receive "orders to sell" by the custodian of Absentee Property. The government, moreover, decided on September 16, 1979 to permit Jews to purchase land in the occupied territories. After the High Court of Justice ruled that the Elon Moreh settlement must be dismantled because private land was confiscated, the settlers moved to a nearby site and the government began to consider altering the legal status of the occupied territories in order to avoid such rulings in the future. Settlements in the midst of Arab population centers were also approved by the Begin Government. After the killing of a Jewish student in Hebron on January 31, 1980 the government authorized the establishment of two religious schools in the center of Hebron which today constitute a settlement. As the opposition to settlements and repressive measures increased, the United Nations General Assembly voiced on December 12, 1979 and the Security Council on March 1, 1980 strong criticism of Begin's settlement policies. Israel's Knesset expressed its contempt in two resolutions on March 6, 1980 affirming Israel's right to settle anywhere in the occupied territories. Both Likud and Labor were associated with these resolutions, which violate the Geneva and The Hague Conventions prohibiting the transfer of civilian population into or out of territories occupied in war.

Censorship also increased since Camp David and the Peace treaty in order to conceal the overwhelming opposition to the autonomy scheme and the unified posture behind the PLO. The Arab News Agency was subjected to censorship and other restrictions when it created the Palestine Press Services Ltd. 9/ The owner of the Agency, Raymonda Tawil was placed under house arrest in 1976 and was again arrested in March 1978. The regime accused her of using the press service as a propoganda arm for the PLO. Other journalists and writers like Adel, Omar and Samia Samara were arrested on December 20, 1979 and denied bail as "security risks" despite the fact that their accusation did not go beyond organizing politically.

The universities have been a constant and easy target of Israeli repression and harrassment. In fact the military authorities introduced new regulations which make it nearly impossible for anyone to obtain a license for a new university. Harrassment takes various forms including censorship of every piece produced by universities for publication. A large number of Arabic books and Journals are banned by the military regime and many requests to purchase are generally refused. The military governor arrogates to himself the right to declare members of boards of trustees "unacceptable". Harrassment in the forms of unwarranted and unprovoked arrests and prolonged detention of both students and faculty is a technique frequently employed by the military regime. Students are generally assumed responsible for strikes and demonstrations. Israeli troops intervned inside the Universities and physically attacked dormitories and beat students to extract confessions. 10/ Numerous students from Bir Zeit and Bethlehem universities have been injured. More recently a Bethlehem University student Tagrid Butmeh was shot and killed by the Israeli guard in what was officially described as an accident. 11/

Indiscriminate mass punishments are frequently used by the military to weaken the resistance and discourage dissent. Curfews, school closings, banishment of an entire family, and public humiliations are among the collective punishment techniques employed by the occupation authorities. A 12-day curfew at the Jalazone refugee camp of 4000 residents was announced at 5:30 a.m. on May 6, 1979 through an army bullhorn following student demonstrations protesting the "autonomy" plan. Everyone was locked inside the camp for 22 hours a day with doors and windows tightly shut. The Jerusalem Post reported on May 16, 1979 that no fresh vegetables, fruits or milk was allowed into the camp. Only flour was delivered by officials of the United Nations Relief and Work Agency. The Post added:

"Sanitary conditions are deteriorating every day the curfew continues. Garbage collection and disposal is difficult, and none of the residents has a refrigerator, limiting the life of fresh food. There, reportedly, are a large number of small children, pregnant women and nursing mothers in the camp."

The curfew was finally lifted on May 17th when the military Governor announced that the camp's "Mukhtar (selectman) and notables promised him that law and order would henceforth prevail there". During the same month an 11-day curfew was imposed on the Ayda refugee Camp West of Bethlehem after incidents of rock throwing at military vehicles. Another incident of rock throwing cost Halhul, a town of 12,000 a curfew which lasted for 16 days beginning on March 14, 1979 and a public humiliation of the Mayor and the entire city council - evoking demonstrations in the town in which a boy and a young woman were shot and killed by the Israelis. 12/ The newspaper Zu Haderech reported on April 25, 1979 in an article by Yafa Gavish that a third victim fell in Halhul when he went out to buy food for his livestock during the curfew.

The policy of banishment and internal exile was recently reported for the first time as an attempt to discourage dissent. Two families were taken out of their homes and dumped together with their belongings in roofless mud huts in abandoned and scorpion-infested refugee camps in May of this year. The action was a form of collective punishment for rock throwing at military cars by the families teenage sons. One of the boys, Tareq Shumali who is 17 years old was beaten and required surgery. 13/ When the families were finally returned home the liberal Jerusalem Post boasted:

"Had this taken place in Kabul (Afghanistan)... the young culprits would have been summarily executed... and the entire families would have been lucky to be merely exiled... but Israel is not the Soviet Union and the West Bank is not Afghanistan, despite allegations to the contrary by a number of countries". 14/

The Jerusalem Post forgot to mention that Israel does not see itself as an occupier in the West Bank nor does it contemplate withdrawal from the land which it considers as part of the Biblical frontiers. The Soviet Union makes no such celestial claims on Afghanistan.

When curfews and collective punishments failed to weaken the resistance and stem the dissent in the aftermath of the Camp David affair, the occupation regime began systematic campaign to get rid of the leadership in the municipalities. Their efforts to create quizzlings in Hebron, Ramallah and elsewhere yielded no results whatsoever. The "Union of the Hebron Area Villages" under the leadership of M. Douidin was exposed as a fruitless attempt to weaken the authority of Mayor Qawasmeh and the Hebron City Council. Abd al-Nur Jenho, a well-known collaborator in Ramallah was assassinated in February 1978.

The confrontation with the mayors took several forms resulting in the expulsion of four, the maiming of two and the resignations of several. According to the Jerusalem Post (October 11, 1979) the military authorities considered Mayors Bassam Shaka, M. Milhelm, K. Khalaf and other members of an "illegal" body called the "Preparatory Committee for the Palestine National Front which operates allegedly under the "National Guidance Committee", and held that committee responsible for the almost complete general strike on March 26, 1979, the day the Egyptian-Israeli peace treaty was signed. In a thinly veiled attempt to force them out of office, Mayors Khalaf and Tawil of Ramallah and Bireh were brought to trial in October 1979 on a charge of having scuffled with a policeman a year earlier in Jerusalem. Mayor Bassam Shaka, another member of the Guidance Committee, was arrested on November 11, 1979 and threatened with expulsion simply because he expressed his views on the occupation in a private conversation with a high official of the military regime. The reaction in the occupied areas was swift and massive. A general strike was followed by a meeting in which twenty three mayors submitted resignations en mass. The United Nations called on Israel to respect the Geneva Convention proscribing expulsion from occupied territories. Finally, on November 23, the High Court overruled the Minister of Defense and the cabinet and ordered against carrying out the expulsion orders. Mayor Shaka returned home to a hero's welcome which expressed the consolidation of the national movement in the occupied areas. That victory, however, was set back five months later after a group of Jewish settlers were ambushed in Hebron on May 2, 1980. A few hours later Mayors Fahd Qawasmeh and M. Milhelm of Hebron and Halhul together with Hebron's chief religious Judge were awakened and taken for a one-way helicopter ride with black bags over their heads to South Lebanon. Upon arriving, they were told that they were expelled by orders of the Defense minister. Predictably, the charge was incitement to violence. On May 8, 1980 the United Nations Security Council called on Israel to allow the return of the expelled leaders. The United States was the only member to abstain from the otherwise unanimous vote. The Israeli High Court ordered the government to show cause why it should not allow their return but the matter is still pending.

As if the expulsion of three leaders was not enough punishment for the ambush of Jewish settlers, who are free to roam Arab towns, break into Arab homes, ransack property and beat civilians, the people of Hebron suffered a number of punishments which included a curfew and demolition. A sixteen day curfew was imposed on Hebron during which soldiers and settlers from Kiryat Arba smashed doors and windows of more than 150 vehicles. Moreover, sixteen shops in four buildings fronting the scene of the ambush in Hebron were demolished with all contents immediately following the ambush. 15/ Young Israeli soldiers told Knesset member Uri Avneri that they were ordered by a senior military government officer to beat every person they catch outside his home during the curfew, "beat him on all parts of his body except for the head. Have no pity, break all their bones". 16/ Moreover, they were told to beat the father in front of the family.

Exactly a month after the expulsion of the two mayors and the chief judge, Palestinians in the occupied areas were awakened to the news that Mayors Shaka and Khalaf were maimed in their own cars as they started for work in the morning. Seven other Arabs were injured in Hebron and Mayor Tawil of Bireh was saved when the explosive device attached to his garage door exploded in the face of an Israeli Druze soldier. The Prime Minister of Israel, who was responsible for much terror in the 1940's as head of the Irgun Zvei Leumi, condemned the assassination attempts at the mayors as "crimes of the worst kind". 17/ His statement, however, hardly conceals the fact that his settlement policy has created an atmosphere for that kind of terrorism. The private armies which are being organized by right-wing Jewish settlers of Gush Emunim and Kach are in fact implementing the goals of the settlement policies of the Begin Government. The Government provides the settlers with economic benefits and protection, and equips them with legitimacy, while, it ensures that their victims remain defenseless and powerless.

The Israeli intention has been to eliminate the leadership of the Palestinians living under occupation. The assumption that this would diminish opposition to the "autonomy" scheme and to the settlement policy is naive, at best. Occupations cannot be maintained without repression. Repression generates resistance and a cycle of violence is implicit in this kind of relationship. What is new about the confrontation between the occupier and the occupied in Palestine is that State terrorism against the civilian inhabitants is being supplemented by vigilante terrorism along the lines of the 1940's. William Broader of the New York Times (June 25, 1980) emphasized though misconstrued this phenomenon: "Although military occupation is not new to them /Palestinians in occupied areas/ Israeli terrorism - if that is what it was - is virtually without precedent in the last thirty years". This terrorism by vigilante settlers is reminiscent of the kind practiced by Begin's Irgun and Foreign Minister Sham'ir's Stern Gang in the 1940's. A random questioning of settler's reactions to the maiming of Mayors Shaka and Khalaf by the press revealed a great degree of satisfaction. The following are samples of these reactions: "I hope that Jews did it;" "Well organized, very good work;" 18/ "We must make the Arabs aware that they have to leave... anyone who thinks that Jews and Arabs can co-exist is kidding himself", said Yosi Davan a spokesman of Meir Kahane's Kach. 19/ H. Druckman of the National Religious Party said: "Let all thine enemies perish thus". 20/

The New York Times reported (6-21-80) that a ten year old Israeli girl, Noah, asked her mother: "Are we glad or not glad it happened?" the mother said, not glad, but the next day, upon returning from school, Noah said to her mother: "Mommy, you are wrong, we are glad". Amnon Kapeliuk gives a detailed and vivid description of the settlers feeling in the Hebron area towards to Arabs. It ranges from utter contempt to wishing that they vanish. 21/ Upon asking one of the settlers why they covet Hebron after having established Kiryat Arba, Kapeliuk was told: "It is not theirs, it is ours... it is ours by the power of the Bible. It was our 2000 years ago and it will always belong to us. If they /the Arabs/ don't like it let them leave, and you can also leave if you don't like it". 22/ The Secretary of Kiryat Arba Yossi Viner explained his point of view about the "Hebron problem to Dr. Kapeliuk: "They /the Arabs/ must be treated with an iron fist, like in Gaza ten years ago."

The same feeling is expressed again in an article titled "Miriam Lapid: The Refusniks" by Haim Shivi published in Yediot Ahronot (February 8, 1980). Miriam Lapid says:

"I think the most humanitarian solution and mainly because I I have a Jewish soul is that two peoples shall not live here together. If Rabbi Kahane has opened an office and wanted to arrange one way flight tickets for Arabs, should he sit in prison for that?... It hurts me that they /the Arabs/ are not regarded as something temporary."

We can only assume that terrorism by Jewish vigilante groups is a product of the ideology which rejects the very existence of Arabs in Palestine, as well as the policy which considers that Jews have a divine rights to settle in occupied territories. The present government makes no more pretenses that settlements are needed for security. The view that is heard increasingly in Israel today is that there is no room for two people in Palestine. The Arabs are being "spirited across the frontier," but not even surreptitiously as Herzl predicted.

In the meantime, the indigenous Palestinians are struggling for their very existence. Their continued resistance has moved Israel increasingly to the right. Some of the laws applied to Israel's Arab citizens smack of the sedition acts in the United States during the First World War. Two weeks ago the Knesset was asked by the Cabinet to issue legislation that would make it a crime to carry Palestinian flags or sing Palestinian songs. The request received overwhelming preliminary support in the Knesset on July 29, 1980.23/ Arab citizens in Israel are being placed under house arrest under Emergency Regulations. 24/ More than 3000 Palestinian prisoners from the occupied territories linger in prison as administrative detainees, many of whom have not been charged or tried. Torture is rampant and has been verified by the International Committee of the Red Cross, Amnesty International, the Israel League for Human Rights and many other agencies. 25/ During the past week at least two Palestinian prisoners died as a result of forced feeding by prison authorities in Israel. A prison official was quoted by the press as saying forced feeding would continue as long as the hunger strike continues in the

Nafha prison. To let prisoners die is rejected, he said, because of "Jewish humanism"! 26/ Yet, prisoners had suffocated after salt water was pumped into their lungs by guards. Beating students and shooting indiscriminately during demonstrations has become a common practice. Israeli politicians, academicians and journalists who feared that Israeli society is fast becoming dehumanized. Professor Israel Shahak of Hebrew University wrote:

"The 'education' of young Israeli Jews both in the conquered territories and in such function as 'controlling' the Palestinian workers inside Israel when serving in the 'civil guard' fulfills the same function as the programs against the Jews did for the German youth in 1933-39." 27/

Ada Ushpiz wrote in a revealing article for Ha'aretz (March 23, 1979) entitled "I am a Fascist, I am a Chauvinist, I am a Fanatic" describing a visit to the Gush Emunim settlement, Ofra:

"A few children can still be seen playing with guns and with fire crackers, left from Purim. A husky three year old child pants and exhales, fighting with his toy rifle. 'What are you doing', I asked. 'Killing' he said, in a shy voice. 'Whom are you killing?' ' I am killing the Ar... Haman the Wicked." (a favorite kindergarten song about the need to kill Arabs).

Eyal Kafkafi expressed the same fear about a national psychosis in an article in Davar (September 4, 1979) titled "Ghetto mentality in the State of Jews" describing the Army's behavior during conquest:

"Recently I found a letter written on November 8, 1948 with the following story: Today I read the editorial of Hamishmar...I would like to give you evidence of an eye witness given to me by a soldier who was at the Arab village of Doima the day after it was conquered... He is one of our own people (meaning either Kibbutz or Moshav man). The conquering army was the Brigade 89... They had killed 80-100 Arabs, women and children. They have killed the children by crushing their skulls with sticks. There was not even one house without dead people... Arab men and women who were left in the village were put in houses without food or water. Then the sappers came to blow up the houses. One commander ordered a sapper to put two old women into a house he was about to blow up... Another soldier boasted about raping an Arab woman then shooting her. They made another Arab woman, who had a baby, clean the yard... she worked a day or two and then they shot her and her baby".

Knesset member, Uri Avneri entered the Sadah affair into the records of the Knesset on October 15, 1979. It is an account of the regimental commander in the Engineering Corp of the Israeli army during the 1978 invasion of

Lebanon who ordered the killing of a prisoner of war "who appeared to him to be a terrorist". 28/

Even Mashe Sharett, Israel's first Foreign Minister and one-time Prime Minister expressed a similar fear about moral deterioration in Israel. He wrote in his Diary after becoming aware of the murder of two Beduins the following:

"I meditated on the substance and destiny of this people (Israeli) who is capable of subtle delicacy, of such deep love for people and of such honest aspirations for beauty and mobility, and at the same time cultivates among its best youth youngsters capable of calculated, coldblooded murder, by knifing the bodies of young defenseless Beduins. Which of these two biblical souls will win over the other in this people. 29/

The revival of this terrorism mainly by Jewish settlers will remain as the principal threat to any future co-existence in Palestine and will prove, in the end, morally and institutionally corrosive. Indeed, the greatest threat to the Jewish people in Palestine is one that may arise from within.

FOOTNOTES

1. A. The Hague Regulations respecting the Laws and Customs of war on Land annexed to the Hague Convention (IV) of 1907.
B. The London Charter of 1945 - Article 6
C. The Geneva Convention Relative to the Protection of Civilian Persons in time of War, of 1949 (IV), Articles 27-78.
D. The Convention on the Prevention and Punishment of the Crime of Genocide, of December 1948.
2. The Complete Diaries of Theodore Herzl, edited by R. Patai, New York (1960) Vol. I, p. 88, entry for 6/12/1895.
3. See Noam Chomsky "Against Apologetics for Israeli Expansionism," New Politics Vol. XII, No. 1 (Winter, 1978), pp. 15-47.
4. Palestinian inhabitants of the West Bank and Gaza are considered "protected persons" and the area in which they live are "occupied" territories according to the provisions of Article 42 of the Hague Convention and Article 4 of the Fourth Geneva convention. Article 42 of the Hague Convention states:

A territory is considered as occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised,

Article 4 of the Fourth Geneva Convention stipulates:

persons protected by the Convention are those who, at a given moment, and in any manner whatsoever, find themselves, in a case of a conflict or any occupying power of which they are not nationals.

Since 1967, Israel has refused to acknowledge the applicability of the 1949 Geneva Convention to the occupied territories. It further announced its refusal to receive any international commission to investigate the conditions of the inhabitants of the occupied territories or allow an Israeli investigation with an international observer.

5. Quoted in Gay Gonen. A Psychohistory of Zionism. New York: Mason/Charter, 1975, p. 196.
6. "The Truth About Kiryat Arba Men" Al Hamishmar, February 8, 1980.
7. Gonen, op. cit., p. 198.
8. Danny Rubenstein, "The Gloves Were Taken Off," Davar, February 5, 1979.
9. See The Washington Post, March 6, 1980.
10. See article in Davar March 12, 1979.
"Violent Demonstrations in Ramallah--The Army broke into a school for making arrests."
Also, see articles by Yehuda Litani in Ha'aretz March 12, and 13 1979; see article by Y. Zuriel in Ma'ariv, March 13, 1979 and Ha'olam Haze, March 14, and 21, 1979.
11. See article in Christian Science Monitor, June 23, 1980.
12. See interview with Halhul Mayor, M. Milhelm in Palestine Human Rights Bulletin #19-20, pp. 3-5.
13. Christian Science Monitor, May 30, 1980.

14. Ibid.,
15. Ibid.
16. Ibid.
17. Christian Science Monitor, June 3, 1980.
18. New York Times, June 4, 1980.
19. Christian Science Monitor, June 5, 1980.
20. Newsweek, June 16, 1980.
21. "Hebron Under Collective Punishment," Al Hamishmar, February 8, 1980.
22. Ibid.
23. New York Times, July 30, 1980.
24. New York Times, July 7, 1980.
25. See Naseer Aruri, "Resistance and Repression: Political Prisoners in Israeli Occupied Territories," Journal of Palestine Studies Vol. VII No. 4 (Summer 1978), pp. 48-66.
26. Boston Globe, July 25, 1980.
27. Shahak Papers. Jerusalem #20, p. 18.
28. Shahak Papers. Jerusalem #26, p. 12.
29. Entry from page 823, March 8, 1955. Quoted in Livia Rokach, Israel's Sacred Terrorism. Belmont, Mass.: Association of Arab-American University Graduates, 1980, p. 35.

THE UNITED NATIONS AND THE NATIONAL RIGHTS
OF THE PEOPLE OF PALESTINE

W. Thomas Mallison

1. Introduction to the Recognition of National Rights

A juridical consideration of national rights should start with two basic premises. The first is that national rights do not arise until there is first a community of people with a national identity. The second is that the right of self-determination is the preeminent national right. Without self-determination, free from external coercion or interference, the people have no meaningful political choices. Any other national rights such as independence and sovereignty follow from the successful exercise of the right of self-determination.

It is important that a people seeking self-determination have a strong sense of national identity. In addition, the world community of states must manifest acceptance and accord recognition to the claimed national identity. Before the establishment of the United Nations as the preeminent international organization, states could only express such acceptance and recognition on an individual basis. While this is still important, the existence of the United Nations General Assembly as the committee of the whole of the world community allows states to act collectively with an efficiency which was not previously possible. 1/ It is a universally accepted legal principle that the individual acts of states create or make customary international law and general principles of law. When states act through the General Assembly it is clear that they do not lose their authority to make a law. The extent to which a General Assembly resolution is based on the historic competency of states to make law as opposed to powers granted under the United Nations Charter is an interesting question of legal theory. The crucial point is that combining both sources of authority, states may now make law in a relatively rapid and efficient manner. Resolutions of the General Assembly adopted by overwhelming majorities have particularly persuasive law-making authority. Whether such resolutions are deemed to be law themselves, or merely evidence of law, it is clear that, either way, they provide an authoritative legal basis for subsequent actions.

The United Nations Charter pertains to peoples as well as to states. Among the purposes of the organization specified in the first article of the Charter is:

"To develop friendly relations among nations based on respect
for the principle of equal rights and self-determination of peoples
... 2/

This marks a significant departure from the old legal theory that international law accords rights only to states and governments and not to groups or individuals. 3/

II. The Recognition of the Palestinians as a People with a National Identity

The Palestinians, without distinction as to religion, were a people de facto as the inhabitants of the country named Palestine long before the 20th century, and they had close connections with their fellow-Arabs in adjoining Syria and Lebanon. The Palestinians, Syrians and Lebanese, along with other Arab peoples, were under the rule of the Ottoman Empire until the First World War. Following that conflict, Great Britain was designated as the Mandatory Power under the League of Nations Mandate for Palestine. 4/ The Covenant of the League of Nations itself recognized "provisionally" the "existence as independent nations" of the communities which were formerly parts of the Turkish Empire and this included provisional recognition of the Palestinians. 5/ Because the Mandate, consistent with the requirements of article 22 of the Covenant, was designed to lead the people of the country to independence, it contained an implicit recognition of Palestinian national identity. 6/ The United Nations accorded the Palestinians de jure recognition of their status as a people with national rights in the provisions of the Palestine Partition Resolution authorizing them to establish "the Arab State." 7/ From the time of that resolution in 1947 until 1969, however, the United Nations emphasized the Palestinians' de facto role as individuals who were refugees and war victims. The United Nations actions of that period were designed to implement their individual right of return 8/ and achieve their elementary human rights.

In 1969 the General Assembly shifted its perspective to acknowledge the Palestinians as a people having rights under the United Nations Charter. The first preambular paragraph of General Assembly resolution 2535B (XXIV) of 10 December 1969 9/ recognizes "that the problem of the Palestine Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights." The first operative paragraph provides recognition by the United Nations of the Palestinians as a people with a national identity by reaffirming "the inalienable rights of the people of Palestine." This recognition of juridical status has been reaffirmed by all subsequent resolutions of the General Assembly which deal with the subject.

General Assembly resolution 2672C (XXV) of 8 December 1970 10/ follows the pattern of the resolution just considered. A preambular paragraph reaffirms the inalienable right of "the people of Palestine" and the first operative paragraph uses the same words in referring to the people's national rights. The second operative paragraph repeats the identical words in declaring that full respect for the people's inalienable rights is indispensable for the achievement of a just and lasting peace. General Assembly resolution 3210 (XXIX) 11/ concerns the status of the people by providing that "the Palestinian people is a principal party to the question of Palestine." It also concerns the status of its representative by inviting the Palestine Liberation Organization as the "the representative of the Palestinian people" to participate in plenary meetings of the General Assembly concerning the question of Palestine. This status is further augmented by the seventh operative paragraph of resolution 3236 12/ which "Requests the Secretary-General to establish contacts with the Palestine Liberation Organization on all matters concerning the question of Palestine." In resolution 3237 (XXIX) of 22 November 1974 13/ the General Assembly

invites the Palestine Liberation Organization to participate in the sessions and work of the General Assembly and of all international conferences convened under the auspices of the General Assembly in the capacity of observer. The people of Palestine have a relationship to the Palestine Liberation Organization similar to the French people's relationship to the Free French organization (later known as the Fighting French) when France was under military occupation.

It provides useful clarification to contrast the Palestinian people with "the Jewish people" entity claimed by the State of Israel. 14/ The Zionist "Jewish people" concept was developed by the Zionist Organization/Jewish Agency prior to the establishment of the State of Israel. Before the rise of Zionist nationalism, "the Jewish people" referred simply to voluntary adherents of the religion of Judaism, the oldest of the monotheistic religions of universal moral values. The Zionists have impressed their own secular meaning upon the term and have given it a more precise juridical definition through various Israeli statutes. "The Jewish people" concept within the State of Israel accords its members certain privileges and rights on a discriminatory basis which are denied to other Israelis. The same concept applied to persons outside the State of Israel imposes upon them a juridical link with the State of Israel whether they desire it or not. For example, in the Eichmann Case the Israeli District Court stated that "the connection between the Jewish people and the State of Israel constitutes an integral part of the law of nations." 15/ Because of the discriminatory characteristics of "the Jewish people" concept, it would constitute a violation of articles 55 and 56 of the Charter of the United Nations if the General Assembly recognized it. The United States Government has explicitly rejected "the Jewish people" concept as a valid concept of international law in a letter from Assistant Secretary of State Phillips Talbot addressed to Rabbi Elmer Berger. 16/

The United Nations Charter provides that "the United Nations shall promote, inter alia:

"universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". 17/

Consistent with this requirement, "the Palestinian people" must comprise all Palestinians on a non-discriminatory basis. If it did not do so, it could not be recognized by the General Assembly without violation of the Charter provisions concerning human rights. In summary, "the Palestinian people" includes individuals of diverse religious identification today as it did before the rise of Zionist nationalism. It also will be essential to maintain this characteristic in the establishment of the Palestinian state in order to comply with the human rights requirements for each of the two states authorized by the Palestine Partition Resolution as well as with the human rights provisions of the United Nations Charter.

III. The Right of Self-Determination in International Law

The practice of self-determination preceded the development of the principle or right of self-determination in international law. The American Revolution and the subsequent Latin American revolutions against European colonialism provide preeminent historic examples. The idea of self-determination was present in President Woodrow Wilson's Fourteen Points. 18/ Professor Kissinger has accurately described the situation as it existed at the post-First World War peace settlement:

"In 1919, the Austro-Hungarian Empire disintegrated not so much from the impact of the war as from the nature of the peace, because its continued existence was incompatible with national self-determination, the legitimizing principle of the new international order." 19/

It is important to note that the principle of self-determination was reflected in the provisions of the League of Nations Covenant through the mandates system with the mandatory powers assuming "a sacred trust" to promote "the well being and development of such peoples." 20/ At the present time the only examples of peoples who were placed under the mandates system who have not achieved self-determination are the people of Palestine and the people of Namibia (Southwest Africa). The widespread implementation of self-determination since the end of the Second World War is reflected directly in the membership of the United Nations.

One of the major purposes of the United Nations, which has been set forth above, is the development of friendly relations based upon respect for "the principle of equal rights and self-determination of peoples ..." 21/ It is sometimes contended by those who oppose self-determination for others that the Charter only states that self-determination is a principle and not a right. This view lacks merit since the carefully drafted and equally authentic French text states, "du principe de l'égalité de droits des peuples et de leur droit à disposer d'eux-mêmes ...". By using the word "droit" in connection with self-determination, the French text removes any possible ambiguity. Article 55 of the Charter emphasizes the importance of self-determination by stating that peaceful and freindly relations are based on respect for it. Article 73 of Chapter XI concerning non-self-governing territories provides that members assuming responsibility for such territories are required to "develop self-government, to take due account of the political aspirations of the people, and to assist them in the progressive development of their free political institutions..." 22/

The General Assembly has performed the task of interpreting and developing these principles from the early history of the organization to the present time. It should be recalled that the Palestine Partition Resolution 181 provides

authority for two distinct national self-determinations in Palestine. General Assembly resolution 1514 (XV) of 14 December 1960, 23/ entitled "Declaration on the Granting of Independence to Colonial Countries and Territories," is an important statement of basic principles and rights. The first two operative paragraphs of this resolution provide:

"1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

"2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

The vote on this resolution was 90 votes in favor to none opposed, with 9 abstentions. Since there were no opposing votes, this resolution must be interpreted as reflecting the stated legal views of the then full membership of the United Nations. In view of the increasing implementation of self-determination since 1960, the present membership of the General Assembly provides strong support for the views expressed in the 1960 resolution. Subsequent applications of the self-determination principle of resolution 1514 to Algeria, Angola, and to Zimbabwe (Rhodesia) indicate the view of the General Assembly resolution that a right of self-determination is established in 12. 24/ The entire course of action taken by the United Nations and the overwhelming majority of its members since 1960 is consistent with this basic self-determination resolution.

General Assembly resolution 2625 (XXV) of 24 October 1970, 25/ entitled "Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations," provides further development of the right of self-determination. It considers a number of principles and under the heading of the "principle of equal rights and self-determination of peoples", the first paragraph states:

"By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every state has the duty to respect this right in accordance with the provisions of the Charter."

This statement of law has a highly authoritative character since the General Assembly adopted it by consensus, that is, with no a single state in opposition.

IV. The Application of the Right of Self-Determination to the People of Palestine

The provisions of the Palestine Partition Resolution which provide authority for the establishment of "the Arab State" constitute the first direct recognition of the Palestinian national right of self-determination by the General Assembly. 26/ The second such recognition is provided by General Assembly resolution 2649 of 30 November 1970. 27/ This resolution expresses concern that, because of alien domination, many peoples were being denied the right to self-determination. It then condemns those governments which deny the right to peoples "recognized as being entitled to it, especially the peoples of southern Africa and Palestine." 28/ The legal effect of this significant resolution is that the prior resolutions setting forth the basic right of self-determination, resolutions 1514 and 2625 considered above, are now specifically applicable to the Palestinian people.

With the adoption of resolution 2672C on 8 December 1970, 29/ the General Assembly moved toward acknowledging the correlation between the right of self-determination and other inalienable rights. The second preambular paragraph recalls resolution 2535B and the first such paragraph reiterates the language contained in that resolution providing that the Palestine Arab refugee problem had arisen from the denial of their inalienable rights. The two operative paragraphs of resolution 2672C state that the General Assembly:

"1. Recognizes that the people of Palestine are entitled to equal rights and self-determination, in accordance with the Charter of the United Nations;

"2. Declares that full respect for the inalienable rights of the people of Palestine is an indispensable element in the establishment of a just and lasting peace in the Middle East."

In addition to reiterating the specific Palestinian national right of self-determination, this resolution links the achievement of Palestinian inalienable rights to the achievement of peace in the Middle East. It should be recalled that article 1 of the Charter requires the United Nations to bring about peace "in conformity with the principles of justice and international law." It should be clear that neither of these principles is honored unless Palestinian rights are implemented.

General Assembly resolution 3089D of 7 December 1973 30/ enunciates the relationship between the rights of self-determination and return by providing in its third operative paragraph that the General Assembly:

"Declares that full respect for and realization of the inalienable rights of the people of Palestine, particularly its right to self-determination, are indispensable for the establishment of a just and lasting peace in the Middle East, and that the enjoyment by the Palestine Arab refugees of their right to return to their homes and property... is indispensable ... for the exercise by the people of Palestine of its right to self-determination."

The necessary legal linkage of return and self-determination is designed to assure Palestinians the practical exercise of national self-determination as a "people." It is based on the common sense conception that there can be no self-determination without return to the areas where self-determination may be exercised.

An analysis of operative paragraph 3 reveals that while the General Assembly understandably views the achievement of return as a necessary prerequisite to the effective exercise of self-determination, the right of self-determination of Palestinians as a national group was apparently not intended to follow invariably from the return of individual Palestinians. The pertinent wording provides that the "Palestine Arab refugees" are entitled to enjoy "their right to return to their homes and property," while the "people of Palestine" is entitled to exercise "its right to self-determination." The use of "Palestine Arab refugees" when referring to return is apparently meant to stand in contradistinction to the use of "people of Palestine" when reference is made to self-determination.

General Assembly resolution 3236 of 22 November 1974 concerns the right of return and it also has preeminent importance concerning the right of self-determination. Its fifth preambular paragraph recognizes that "the Palestinian people is entitled to self-determination in accordance with the Charter of the United Nations." The first operative paragraph provides that the General Assembly:

"Reaffirms the inalienable rights of the Palestinian people in Palestine, including:

"(a) The right to self-determination without external interference;

"(b) The right to national independence and sovereignty."

The exact boundaries of the area in Palestine in which these inalienable rights apply must be settled de jure. 31/ The language of the resolution quoted above includes the "right to national independence and sovereignty" as a particularization of the self-determination right.

In operative paragraph 5, resolution 3236 prefers to methods by which rights may be regained. It provides that the General Assembly:

"Also reaffirms the legitimacy of the peoples struggle for liberation from ... alien subjugation by all means including armed struggle."^{34/}

Since the American Revolution relied upon armed struggle to achieve self-determination about a century and a third before the principle of self-determination was used in the post-World War I peace settlement,^{35/} it is not surprising that the General Assembly specifies it as a permissible method today. Its permissibility is legally significant as an authoritative General Assembly assertion that armed struggle for self-determination is consistent with the purposes and principles of the United Nations Charter. In a situation such as Palestine where the people has been denied its right of self-determination by armed force, the right to regain it by armed struggle is considered permissible under article 51 of the Charter concerning self-defense.

V. The Geographical Area in which Palestinian Self-Determination Applies

Where "in Palestine," to use the wording of resolution 3236, may Palestinian national self-determination including independence and sovereignty be exercised? General Assembly resolution 2625 (XXV) dealing with "Principles of International Law Concerning Friendly Relations," which has been considered concerning the right of self-determination, ^{36/} also provides basic legal interpretation concerning areas where self-determination may be exercised. Under the heading of the "principle of equal rights and self-determination of peoples" the penultimate paragraph provides:

"Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour."

The quoted wording is of particular importance since it is designed to preserve the territorial integrity or political unity of non-discriminatory states which have a government "representing the whole people belonging to the territory." The State of Israel cannot qualify as such a state as long as its discriminatory Zionist features, including the denial of the right of return of Palestinians to their homes and property, are maintained in municipal law and practice. Pursuant to this provision of resolution 2625, the General Assembly may provide for lawful de jure boundaries for the State of Israel which do not preserve its "territorial integrity or political unity" as they may exist de facto at a particular time as a result of military conquest and of illegal annexation. ^{37/} The prohibition on the acquisition of territory by military conquest is regarded as fundamental in the United Nations Charter ^{38/} and in resolutions of both the General Assembly and the Security Council.

The only de jure boundaries which the State of Israel has ever had are those which were specified for "the Jewish State" in the Palestine Partition Resolution. ^{39/} Following the Armistice Agreements of 1949, which did not fix de jure boundaries, the State of Israel existed within de facto boundaries until June 1967. It is possible that those pre-1967 boundaries may have received some international assent. Security Council resolution 242 of 22 November 1967, after emphasizing "the inadmissibility of the acquisition of territory by war, ^{40/} refers in the first operative paragraph to the principle of "withdrawal of Israel armed forces from territories occupied in the recent conflict." Since there is no statement of withdrawal from territories occupied at a time before 1967, this may amount to an indirect recognition of the pre-June 1967 boundaries. Operative paragraph 1 also refers to the principle of the "territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries."

It is clear that two different national exercises of the right of self-determination cannot take place simultaneously upon precisely the same territory, and the careful wording of resolution 3236 is consistent with this reality. Consequently, those Palestinians who choose to exercise their individual right of return within the State of Israel cannot exercise Palestinian national self-determination within that state. Since resolution 181 established the principle of two states in the area and subsequent resolutions have not departed from this concept, it is clear that it is not the intent of the General Assembly to authorize Palestinian self-determination within the State of Israel. The Palestinian national right of self-determination as recognized in General Assembly resolutions may be exercised "in Palestine" within the de jure boundaries of the Palestinian state which are yet to be determined, and outside the de jure boundaries of the State of Israel as ultimately determined.

VI. Conclusion: Two National States in Palestine with Rights and Obligations for Each

In the Palestine Partition Resolution, ^{41/} the General Assembly acted to resolve a situation of conflict and crisis by authorizing the establishment of two democratic states in the territory of the Palestine Mandate. The rights to establish the States were balanced by concomitant obligations to do so in accordance with the United Nations Charter and the terms of the Partition Resolution including its crucial human rights provisions. The ensuing resolutions of the General Assembly adhere to the basic elements of the Partititoin Resolution.

On July 22, 1980 the United Nations General Assembly met in its Seventh Emergency Special Session following the negative vote of the United States at the 2220th meeting of the Security Council on 30 April 1980 which prevented that body from acting on Palestinian national rights. The General Assembly adopted a resolution on this subject on July 29, 1980. ^{42/} It specifically recalled and reaffirmed resolutions 3236 and 3237 of 22 November 1974 "and all other relevant resolutions pertinent to the question of Palestine." A key paragraph of the resolution provides that the General Assembly:

"REAFFIRMS the inalienable rights in Palestine of the Palestinian people, including:

"(a) The right to self-determination without external interference and to national independence and sovereignty;

"(b) The right to establish its own independent sovereign state." 43/

Another key paragraph provides that the General Assembly:

"CALLS UPON Israel to withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, with all property and services intact, and urges that such withdrawal from all the occupied territories should start before 15 November 1980." 44/

The roll-call vote on this resolution was 112 in favor 7 against and 24 abstentions. 45/ The five states which joined the United States and Israel in negative voting were Australia, Canada, Dominican Republic, Guatemala and Norway. 46/ Although the vote was considerably short of unanimity, it demonstrated substantial world-wide support, which went far beyond the requirement of the United Nations Charter for a two-thirds vote on important matters, 47/ for the national rights of the Palestinian people. This is the first time that the majority of Western European states has abstained rather than voting negatively on such a resolution.

This resolution, like other General Assembly resolutions on the same subject, does nothing to impinge upon legitimate Israeli national interests. The last paragraph quoted above appears to accord at least de facto recognition to the boundaries of Israel as they existed prior to the massive Israeli attack of June 5, 1967.

Security Council resolution 242 of 22 November 1967 48/ concerning "a just and lasting peace in the Middle East" is widely regarded as having been accepted by each of the states which are directly affected by it. The State of Israel, nevertheless, has been engaged in a systematic policy of "creating facts" through the imposition of civilian settlements in the territories occupied since June, 1967 49/ which is entirely inconsistent with the territorial provisions of resolution 242. This Security Council resolution has been supplemented by the resolutions of the General Assembly which have been considered here. In particular, resolution 242's undefined "just settlement of the refugee problem" is made specific by the General Assembly's recognition of the right of return for individual Palestinians. 50/ In addition, the General Assembly has recognized the national rights of the Palestinian people in carefully formulated terms which do not infringe upon the legitimate rights of the State of Israel. These Israeli national rights which remain inviolate include, among others, the rights to self-determination and to national independence and sovereign equality with other States consistent with international law including the pertinent United Nations resolutions. The Israeli

rights to not include, among others, supposed rights to deny self-determination and independence to the Palestinian people and a supposed right to establish Israeli borders on the basis of military conquest and illegal annexations.

The outcome of the United Nations resolutions is that there is continuing authority for the establishment of two States in Palestine. The authority to provide for a state carries with it the authority to impose limitations including those based upon the human rights provisions of the Charter. 51/ A limitation which is inherent in the authorization of the two states is that each may exercise its national rights conditioned on, at the least, the requirement of non-obstruction of the national rights of the other. 52/

The Palestinian right to self-determination, including national independence and sovereignty, has been established unequivocally as a matter of law. It is too well known to require elaboration that it has not yet been achieved as a matter of fact. The most urgent contemporary need is for a comprehensive sanctioning process to enforce the existing law. This process should start with the economic sanctions provided for in the United Nations Charter and, if they are unsuccessful, the military sanctions should be invoked. 53/

Notes

1. The textual paragraph is based upon widely accepted concepts which are enunciated in more detail in, inter alia, R. Higgins, The Development of International Law Through the Political Organs of the United Nations (Oxford, 1963) and W. T. Mallison and S. V. Mallison, An International Law Analysis of the Major United Nations Resolutions Concerning the Palestine Question (United Nations, 1979) and particularly Ch. I.
2. Art. 1(2). The Preamble to the Charter states that "We the peoples of the United Nations" acting through governments agree to the Charter and establish the United Nations. The human rights provisions of the Charter, arts. 55 and 56, encompass the rights of peoples and individuals. Art. 80(1) refers to the rights of "any peoples." See Goodrich, Hambro and Simons, Charter of the United Nations: Commentary and Documents (Columbia Univ., New York, 3rd rev. ed., 1969) pp. 494-500.
3. The contrast between the contemporary and older theories of international law is pointed up in McDougal, "Perspectives for an International Law of Human Dignity," 53 Proc. Am. Soc. Int'l L. 107 (1959) /Address as president of the American Society of International Law/.
4. The text of the Mandate of 24 July 1922 is in 2 UNSCOP, Report to the General Assembly, 2 U.N. GAOR, Supp. 11, pp. 18-22 U.N. Doc. A/364/Add. 1, (9 Sept. 1947).
5. League of Nations Covenant art. 22(4).
6. Art. 2 of the League Mandate for Palestine, supra note 4, obligated the Mandatory Power to secure, inter alia, "the development of self-governing institutions."
7. G.A. Res. 181 (II) concerning the Future Government of Palestine (29 November 1947), 2 U.N. GAOR Resolutions, pp. 131-32 (16 Sept.-29 Nov. 1947) at Part IA(3) and passim.
8. Mallison and Mallison, supra note 1, Ch. III, p. 28 et seq.
9. 24 U.N. GAOR, Supp. 30, pp. 25-26
10. 25 U.N. GAOR, Supp. 28, p. 36.
11. 29 U.N. GAOR, Supp. 31, p. 3 (14 October 1974).
12. Id. at p. 4.
13. Id. See Kassim, "The Palestine Liberation Organization's Claim to Status: A Juridical Analysis Under International Law," 9 Denver J. Int'l L. and Policy p. 1 (1980)

14. The "Jewish people" nationality claims are analyzed in W. T. Mallison, "The Zionist-Israel Juridical Claims to Constitute 'The Jewish People' Nationality Entity and to Confer Membership in It: Appraisal in Public International Law," 32 Geo. Wash. L. Rev. 983 (1964) and reprinted as a monograph in 1964. The contrasting view that the claims are lawful is by the authoritative Zionist lawyer, Professor N. Feinberg, "The Recognition of the Jewish People in International Law," in The Jewish Yearbook of International Law, 1948 (Mass, Jerusalem) p. 1.
15. Attorney General of the Government of Israel v. Adolf Eichmann, 36 Int'l L. Reps., p. 5 at 53 (1961) /Opinion of the Israeli trial court, 12 December 1961/, affirmed 36 Int'l L. Reps., p. 277 at 304 /Opinion of the Supreme Court of Israel, 29 May 1962/.
16. After referring to United States non-discrimination among its citizens based upon religious identification, it stated: "Accordingly, it should be clear that the Department of State does not regard the 'Jewish people' concept as a concept of international law." 8 M. Whiteman, Digest of Int'l Law (U.S. Gov't Prntg. Office, 1967) pp. 34-35 at 36.
17. Art. 55c.
18. Point V concerning "colonial claims" provided that "the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined." Point XII provided that "the other /non-Turkish/ nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development ..." /1918/ Foreign Rels. of U.S., Supp. 1, Vol. 1, pp. 55-16 (1933)
19. H. A. Kissinger, A World Restored: Metternich, Castlereagh and the Problems of Peace 1812-1822 (Houghtin Mifflin, Boston, Sentry ed., undated) p. 145.
20. Art. 22(1).
21. U.N. Charter, art. 2(1).
22. Art. 73b.
23. 15 U.N. GAOR, Supp. 16, pp. 66-67.
24. G.A. Res. 1573 (XV) re Algeria; G.A. Res. 1603 (XV) re Angola; G.A. Res. 1747 (XVI) re Zimbabwe (Rhodesia).
25. 25 U.N. GAOR, Supp. 28, pp. 121-124.
26. G.A. Res. 181(II), Part IA(3) and passim.
27. 25 U.N. GAOR, Supp. 28, pp. 73-74.
28. Operative para. 5.

29. 25 U.N. GAOR, Supp. 28, p. 36.
30. 28 U.N. GAOR, Supp. 30, p. 78.
31. See supra note 8, Ch. IV D, p 46 et seq.
32. 28 U.N. GAOR, Supp. 30, p. 78.
33. Operative para. 1.
34. Operative para. 2.
35. See the text accompanying supra note 19.
36. See th text accompanying supra note 25.
37. Art. 47 of the Geneva Civilians Convention, 75 U.N.T.S. 135, provides that protected persons in occupied territory shall not be deprived of the benefits of the Convention if the occupying power annexes "the whole or part of the occupied territory." This provision was written to avoid a repetition of the Nazi practice of using the annexation device to attempt to avoid the application of the law concerning occupation.
38. It is based, in part, on art. 2(3) and (4).
39. G.A. Res. 181 (II), supra note 7, Part II B.
40. Preambular para. 2.
- 41 Cited in supra note 7.
42. The full text of the resolution is in New York Times, July 30, 1980, p. A4, cols. 3-6.
43. Operative para. 4.
44. Operative para. 7.
45. Supra note 42, p. A4, cols. 1-2.
- 46 Id.
47. U.N. Charter, art. 18(2).
48. U.N. SCOR, Twenty-second Year, pp. 8-9.
49. S. V. Mallison and W. T. Mallison, "Israeli Settlements in Occupied Territory Versus International Humanitarian Law," 1 Arab Perspectives No. 2, p. 15 (May 1980).

50. Supra note 8.

51. Arts. 55 and 56.

52. See supra note 8, Ch. VI, pp. 55-56.

53. Operative para. 13 of the General Assembly Resolution of July 29, 1980, supra note 42, requests the Security Council, in the event of non-compliance by the Government of Israel, to consider sanctions under Chapter VII (arts. 39-51) of the U.N. Charter.

LEGAL AND PSYCHOLOGICAL VALUE OF THE NATIONAL ARGUMENTS
OF THE PALESTINIANS AND INTERNATIONAL OPINION

Dominique Chevalier

The law sanctions the principle of historical evolution; it derives from history. But what history? Who has the right to define the law and on the basis of what historical process?

The Palestinian problem stems from the inequality of relations between countries as determined by the industrial and scientific expansion of Europe from the nineteenth century onwards. From the installation of Zionist colonies in Palestine, politically consolidated by the Balfour Declaration in 1917, to the creation of the State of Israel in 1948, it stems from international circumstances. However, the Palestinian claim has also drawn its vitality and its credo from a dual internal evolution; on the one hand, it has gained strength from the resistance of Islamic civilization and Arab culture and subsequently by their affirmation and vindication in the construction of new independent States, while, at the same time, it has itself become an integral and motivating factor in Arab nationalism; on the other hand, the Palestinian people, like the other Arab peoples, has progressively defined the contours of its own entity. It has done so, in particular, within the framework of a territorial claim covering, roughly, the map of Palestine under the British Mandate and, subsequently, of the State of Israel; it has thus done so in a political struggle against foreign implantations or against foreign support for those implantations. A social claim has naturally become grafted onto it, as a result of which the Palestinians have acquired solidarity with the liberation movements of other Arab countries and the third world in general. Through the revolt of 1936 and the war of 1947-1948, and on a broader basis after 1955-1956 (Bandung and Suez) and the war of June 1967, the will to create a Palestinian homeland took form amid this duality wherein the Palestinian people had gained awareness of its personality and characterized its entity, taking as its basis the Arab, and often Islamic, unitary ideal. It is this duality - this representation of a concrete local situation through a global and transcendental concept of the past and the future - which is difficult to understand for Western opinion, which often draws no distinction between State and nation or even federal (or imperial) grouping and Power.

The ambiguities are in no way dispelled by the use of an international language, whether diplomatic or ideological, because behind it each people still retains its own perceptual tools, i.e., its own culture and its own concepts. It is thus not possible to regard the law on the basis of a single model, because its content rests on communal or ideological historical justifications, which constitute the inspiration, on each side, both the Palestinian and the Israeli, for a claim for which legal arguments have been sought later. In practice, it is obviously essential to keep to established rules or to rules that are to be established in order to arrive at a just regional settlement of a problem arising in an international context; care should, however, be taken to distinguish between texts anterior to the Second World War and the

decisions taken by the United Nations over the last 35 years, because the latter reflect not only a new international order but also a new awakening of peoples. This must be borne in mind in the endeavour to reach agreement on an equitable solution which is in accordance with the right of peoples to self-determination; for experience has shown that legal arguments and measures which are based on historical circumstance are always disputed if they are imposed by an action that is regarded as contravening that principle.

The situation thus created calls forth some observations. The Palestinians have acquired, through their claim, an international dimension while relying on their own cultural values, but by that very fact they are also, at the same time, asserting their role in a process of modernization organized on the basis of frequently defined models at the world level. Here, therefore, a new duality emerges, which in no way excludes the first and which, consequently, calls for particularly subtle analyses. It is a practical as well as moral necessity, particularly if the purpose of the decisions of the United Nations is to bring about recognition of the rights of the Palestinians and their economic needs in international law.

On the other hand, the influence of the United Nations does not derive solely from the judgements of its majority; it depends on the attitude of the States which compose it and, hence, on the opinions of their peoples. These States act and their opinions evolve; each of the partners is aware of that fact and takes it into account in determining its own initiatives. All are aware of the role assumed by the United States and by the USSR in Middle East affairs since the 1950s, whether these Powers are directly pursuing their own interests or whether the parties to the conflict are soliciting their aid or their action as intermediaries or seeking the support of their public opinion. Emphasis should, however, be placed on the original position occupied, since the mid-1960s, by the Arab policy of France, and later that of Western Europe, in conjunction with the efforts of a number of Arab countries to assure their national independence from the two super-Powers. The search for a settlement of the Palestinian question has since then also been one of the bases for any negotiation in the Middle East, with the hope, in particular, that a solution would guarantee a certain degree of regional stability - in an axial position essential for economic and political balance in the world - and a certain degree of regularity in development exchanges. Between the vote on Security Council resolution 242 and the Amman and Venice declarations, the French Government has, roughly speaking, successively supported: recognition of the legitimate rights of the Palestinian people, evacuation of the territories occupied in 1967, the legitimacy of a Palestinian homeland and the right of the Palestinians to self-determination. French public opinion, which showed itself largely favourable to Israel in June 1967, was already much more moderate in October 1973. A recent opinion poll (April 1980) showed that the majority of the French favour, in varying degrees, the participation of the Palestinians in negotiations on the Middle East. It may be noted that, at the same time, Palestinian majority organizations have been tending, for their part, to replace clandestine action by the obligations deriving from the establishment of quasi-diplomatic representation.

From the development of de facto situations, which has been accompanied by the adoption of positions at the international level, we may note the following.

The experience of the last 30 years has shown that the Palestinians, far from merging with the population of other Arab countries, have, on the contrary, asserted their personality and even laid claim to a homeland, within the framework of the Arab nation (this emergence is, moreover, an anti-colonial phenomenon).

The Palestinian claim, in so far as it is one of the motive forces of Arab nationalism has perhaps more than any other raised once again, in modern political terms, the problem of relations between civilizations.

The search for a political solution to the Palestinian problem should not make us overlook the seriousness of the social and cultural imbalances, which have been caused over some 15 years in the Middle East by accelerated urbanization and the mass import of technology in order to consolidate certain growth points.

THE RIGHT TO SELF-DETERMINATION AND THE
ESTABLISHMENT OF A PALESTINIAN NATION-STATE

Ingo Schoenfelder

With regard to the question of Palestine, recent United Nations usage has preferably been the formula "inalienable rights of the Palestinian people", General Assembly resolution 34/65 of 12 December 1979, on the basis of which this seminar is being held, uses this term as well. The term no doubt covers quite a number of rights. Proceeding from earlier resolutions, the above-mentioned resolution explicitly mentions the right of return, the right to national independence and sovereignty in Palestine as well as the right to self-determination. Although it may not embrace all the rights the Arab people of Palestine are entitled to, those mentioned are at present more essential to the Palestinians in the face of Israel's continued occupation of Palestine territory since 1967.

In the following allow me a few remarks on the right to self-determination which I believe occupies a central place not only in the catalogue of the inalienable rights of the Palestinian people but also in discussions of the international community about a just and lasting solution to the Middle East conflict.

The principle of national self-determination has a history that began at least two centuries ago. But well into the 20th century - even as a bourgeois nationality principle - it remained merely a political leitmotif. Even where the principle of national self-determination was declared a foreign policy maxim, as e.g. in the American independence movement or in the French Revolution, it excluded the colonially oppressed peoples from its purview. Even in 1917, when the young Soviet state in Russia for the first time proclaimed the right to self-determination for all peoples without exception a basic principle of socialist state practice, it still remained a norm of international law that was locally applied. It was only by Articles 1 and 55 of the United Nations Charter that the right to self-determination was recognized as a generally binding principle of international law. Since then it has developed into a "jus cogens" norm, as is confirmed by the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States contained in resolution A.2625 (XXV) of 24 October 1970. In its light I am going to single out the following aspects with regard to the problem of Palestine:

1. The People of Palestine - a Subject of the Right to Self-Determination.

The United Nations Charter and other international instruments provide as a matter of principle, that all peoples and nations are subjects of the right to self-determination. This principle, while it did not remain unchallenged, has nevertheless prevailed in the process of decolonization against the imperialist colonial powers. Seen from this general aspect the people of Palestine is of course no exception. In addition, the United Nations has applied this yardstick ever since it has dealt with the problem of Palestine.

As early as 1947, when the United Nations General Assembly for the first time found itself compelled to discuss variants of a solution to the question of Palestine, it adopted resolution 181 (II) on 29 November 1947, which granted the Arab people of Palestine the right to independent statehood, which no doubt meant recognition of its legal personality. By the way, that formula was approved at that time not only by the majority of UN members, but also by prominent Zionist bodies.

The aforesaid resolution in the same breath also granted the Jewish people of Palestine the right to statehood, thus declaring it a subject of the right to self-determination. Although resolution 181 (II) is not legally binding this recommendation seems to include an eligible interpretation of the right to self-determination with regard to the subjects that was commensurate with the situation in Palestine at that time, which constituted a threat to peace.

In this connection it has to be borne in mind, though, that the so-called resolution on partition chose as its starting point not the revision of the political, economic, social and religious facts newly established by the British mandatory power and its Zionist junior partner in Palestine, but recognition of these facts as an objective reality. A point of view which, legally, flows from the fact that the Charter of 1945 has no retroactive effect and that, therefore, the application of United Nations principles to events that took place before its adoption, is inadmissible, as regrettable as this may be in the individual case.

With the admission of the state of Israel to the world organization at the latest, it became clear that the right to self-determination which resolution 181 (II) awarded to the Jewish part of the population of Palestine was now to be realized exclusively via the exercise, development and substantive change of Israeli state power. The Arab people of Palestine in 1947/48 temporarily waived the exercise of its UN-granted right to self-determination in the form of an independent state beside Israel. This was of course legitimate. The mere logic of self-determination requires that a decision on national and social status can be taken only by the respective people itself. Resolution 181 (II) with its character of a recommendation was in line with this requirement. It has to be pointed out in this context that the refusal to establish a state at that time neither meant a loss of the right to self-determination for the Arab people of Palestine nor a waiver of its legal personality. A fact that has been confirmed by several resolutions of the General Assembly (comp. resolution 2535, 2649, 3236, ES 7/2) following the Israeli occupation of Palestine territory in 1967.

2. The PLO - The Political Subject of the Right to Self-Determination of the People of Palestine

Concerning the exercise of the right to self-determination, the essential point is not just an academic choice of the subject, but rather the question about the specific historical subject of such right, through whom a people practically exercises international personality in world affairs. Apart from fascists

and racists who cannot be recognized as legitimate representatives of a people, contemporary international law takes no position on the question as to which political forces are to exercise the right to self-determination of a people in international relations. As a matter of principle, it leaves this decision to the process of formation of political will, i.e. to the internal political forces of a given people.

As far as the people of Palestine is concerned, this process has a number of peculiarities which are bound to bear on the nature and forms of its political representatives. They include, in particular, the non-existence of a state of its own and military occupation of its rightful national territory by Israel since 1967. A consequence of this is that the views and opinions of the Palestinians on the exercise of the right to self-determination have been shaped in the course of an anti-imperialist national liberation struggle, and that they express their will not in political parties of a traditional nature as they are typical of established states, but primarily through resistance organizations committed to armed struggle.

Due to the integration of the major resistance organizations into the Palestine Liberation Organization (PLO) which, moreover, also incorporates Palestinian mass and vocational organizations as well as individuals, the Palestinian people now has a political umbrella organization representing all important sections of the national movement. This is the direct source of the right of the PLO to claim exclusive political representation of the will and the overall interests of the Palestinians in terms of self-determination.

By recognizing the PLO, over 100 states subscribe to this view. By awarding the PLO an observer status the United Nations, too, has defined its position on the right of the people of Palestine to self-determination. Obviously, the observer status for the PLO (under resolution 3237) and other OAU-recognized representatives of liberation movements was granted because the people in those movements, for colonial or other reasons contradictory to the Charter, are prevented from a free choice of their own social system, including their political status. The status of peoples as subjects of the right to self-determination allows to draw the logical conclusion that their representative bodies can maintain international relations as long as inasmuch as the process of establishing their own states or their free association with an existing state is not yet accomplished.

By granting the observer status and requesting the Secretary-General "to establish contacts with the Palestine Liberation Organization on all matters concerning the question of Palestine" (resolution 3236) the General Assembly has legitimized the PLO to represent the Arab people of Palestine and, in its capacity of the specific historical subject of the latter's right to self-determination, to perform also international rights and duties.

3. Right to Self-Determination and Establishment of a
Palestinian State

Following the sixth session of the Palestine National Council in September 1969, the PLO has come out in favour of a "Palestine democratic state". With this decision in favour of an independent nation-state, the PLO has not only opted for a form of human society which the decay of the colonial system over the last few decades has proved to be typical of our times, but can also invoke the criterion of rightfulness for its demands.

The exercise of the national right to self-determination under valid international law is not tied to special forms. Any anticipatory decision on a people's national or social status would always mean to deny its freedom of decision and practically to deprive it of the right to self-determination. Therefore, peoples are basically free to establish an independent state or to unite with other nations e.g. through confederate, federative or autonomous forms of organization. The Declaration of the Principles of International Law summarizes this aspect in the following phrase:

"The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people". (resolution A.2625).

With this passage, the process character of the right to self-determination in the life of a given people is explicitly recognized. The stance of the Arab people of Palestine represented by the PLO for an independent nation-state at present precludes other possible ways of implementing the right to self-determination. However, as this option is based on expression of the free will of the internal forces of the people of Palestine, it is legitimate under international law.

The possibility of invoking the right to self-determination for the purpose of an independent nation-state inevitably includes a claim to a national territory. How else could peoples and nations develop politically, economically and culturally without infringing upon the interests and rights of other peoples. The refugee situation of most Palestinians is particularly convincing evidence of this interconnection.

So, if the right to self-determination is not to remain an empty declaration, it would be urgently necessary to allow a people which exercises its right to self-determination to decide also on the frontiers of the state it seeks to establish. Of course, on condition that such decision will be based on respect for the integrity of the territory of other peoples and states. Yet this imperative condition does not alter in any way the fact that the generally recognized interconnection between political independence and territorial integrity of states already in existence is generally applicable also to the state-building process of a people struggling for self-determination.

Seen from this territorial aspect, the inherent link between the Palestine question and the Middle East conflict is particularly obvious. Because of the military occupation and partial annexation (Jerusalem) of all Palestinian territories by Israel since 1967, the Palestine people has been illegally deprived of its national territory which the General Assembly awarded back in 1947.

Events in the occupied territories, in Jordan and Lebanon prove that without termination of Israel's occupation regime as prescribed in legally binding terms by Security Council resolution 242 of 22 November 1967, no peace will be possible in the Middle East. Only under this condition will it objectively be possible to establish a state as demanded by the people of Palestine and advocated by the United Nations at its seventh emergency special session. Therefore, separate agreements disregarding the Palestinians' right to self-determination are not the right way. Only complex peace treaty arrangements between Israel and her Arab neighbours would be international guarantees for the national sovereignty and territorial integrity of a Palestinian state. Seen from this angle, assurance of the right to self-determination of the people of Palestine, including its right to establish an independent nation-state, is at the same time the key element of a just and enduring peace settlement in the Middle East.

MORE HONOURED IN THE BREACH THAN THE OBSERVANCE

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND ISRAEL'S
OCCUPATION OF THE WEST BANK AND GAZA

Michael Adams

The search for peace in Palestine has been complicated and frustrated over the past half century by all kinds of factors which are irrelevant to Palestine itself. Among them have been the interventions of the great powers in pursuit of their own strategic interests; the rival ambitions of the surrounding Arab governments; the competition for vital oil supplies; the sympathy aroused by the persecution of the Jews in Europe; and the need felt by American presidential candidates to win the support of the influential Jewish community in the United States.

All of these factors have been important in shaping the course of events in Palestine - and yet none of them has any bearing on the question of what is right and what is wrong as far as the people of Palestine are concerned. And what is more remarkable - and discreditable - is the fact that, until very recently, those who took it upon themselves to try to decide the future of Palestine did so without paying any attention to the rights of the Palestinians themselves.

That situation is changing and during recent years the phrase "the legitimate rights of the Palestinian people" has gained acceptance as expressing one of the fundamental requirements for a peaceful settlement in the Middle East. It found a place in the joint statement on the Middle East published by the US and Soviet governments in October 1977. It has been emphasised in the various statements published by the nine West European governments which cooperate within the European Community, the EEC. The latest of these statements, published after the Heads of Government of the EEC had met in Venice in June 1980, spoke of the need to recognise and to implement two principles which were universally accepted by the international community. The first of these was the right to existence and security of all states in the region, including Israel; and the second was justice for all the peoples, which implied, in the words of the Venice statement, "recognition of the legitimate rights of the Palestinians". Even the agreement signed at Camp David by President Sadat and Mr. Begin in September 1978, which aroused such violent hostility throughout the Arab world, even that agreement stated that any solution resulting from the proposed Arab-Israeli negotiations must "recognise the legitimate rights of the Palestinian people and their just requirements".

So the principle has been accepted, even by those most widely accused of neglecting the Palestinian element of the Arab-Israeli conflict. But no one has yet answered the question that must immediately follow: what are those "legitimate rights" and those "just requirements" to which the Palestinians are entitled?

The answer to that question must closely affect the nature of the political settlement which eventually emerges in the Middle East. But while the debate goes endlessly on about the political rights which the Palestinians should enjoy, the world loses sight of the other rights, the ordinary, everyday, human rights to which in theory the Palestinians are entitled like any other people in the world - and of which they have been unjustly deprived for so long. That this should be so, that while the politicians argue about concepts like autonomy and self-determination the Palestinians should be living in a kind of limbo in which they are denied not only the right to political self-expression, but even the most elementary protection against oppression and discrimination - that is a scandal for which there can be no possible justification.

Consider the situation of the Palestinians living in the West Bank and the Gaza Strip. For more than thirteen years now they have been subjected to an alien dominion against which they have no protection. In every detail, the pattern of their daily lives is dictated by the occupation regime. Waking and sleeping they are at the mercy of a military authority which has the power - and uses it freely - to invade their homes, to arrest them, to detain them without trial, to deport them, to demolish their homes and to impose collective punishments on whole communities which impose severe physical and psychological hardship. Their publications are censored, they may not engage in political activities, their right to assembly together for any purpose is rigorously controlled. Their schools and universities are subjected to arbitrary interference which takes no account of the principle of academic freedom. Their lands are confiscated without warning and under the specious pretext of military "security", only to be handed over to Israeli settlers as part of a barefaced programme of colonisation which has been repeatedly condemned as illegal by the highest international authority. Even the water supplies on which the Palestinian farmers depend are being diverted by the Israeli authorities to serve the interests of the Israeli settlers at the expense of the indigenous owners of the land.

These are evil practices, which illustrate in detail the wider evil of a military occupation. Like the occupation itself, they constitute a kind of moral pollution - whose effect, as the more far-sighted Israelis are coming to realise, is to corrupt the occupiers at the same time that it injures the occupied. A regime which depends upon this kind of injustice and discrimination requires from those who administer it a disregard for moral and humanitarian principles which is deeply degrading. The fact that the occupation regime has been in existence for thirteen years does much to explain the internal crisis and the decline in moral standards which are so evident in Israel today. As only one out of many similar warnings which prominent Israelis have given of the dangers involved I should like to quote to you a passage from an article by Meron Benvenisti, who served for a time after the June War of 1967 as deputy mayor of Jerusalem. In the Israeli newspaper Ha'aretz of 27 June 1979, Mr. Benvenisti wrote:

"Occupation by its very nature corrupts the occupier. The harm that twelve years of occupation has caused to Israel's moral fabric is nothing to the damage it will cause in the coming period when protest and its suppression, violence and counter-violence, are intensified in the (occupied) territories and the situation deteriorates to the point of civil rebellion which will be answered by severe repression. The Military Government and the Defence Establishment will have to pay the price of the annexationist policy, with thousands of Israeli soldiers becoming embroiled in brutal confrontations."

There were those who thought that Mr. Benvenisti was exaggerating; but events on the West Bank in the Summer of 1980 suggested that his forecast is likely to prove an accurate one if action is not taken soon to remedy the shocking state of affairs in the occupied territories. And it illustrates the fact that the evil results of the occupation are two-fold. They bring suffering and misery on the victims of the occupation; but they are also profoundly harmful to the real interests of the occupiers. Nor is that all, for the very fact that a situation like this continues unchecked, and that the world knows about it but lacks the will or the power to put a stop to it, undermines the attempt to bring justice and order into international affairs. It encourages cynicism about the value of the United Nations or of such bodies as Amnesty International. It makes it harder than ever to win support for the unending fight against tyranny and injustice and discrimination.

It was in a concerted attempt to combat these evils that the General Assembly of the United Nations adopted, in December 1948, the Universal Declaration of Human Rights. The preamble to the Declaration spoke of "the equal and inalienable rights of all members of the human family" and declared it to be "... essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law". That idea, which found an echo in the article I quoted above from the Israeli press, has the closest possible relevance to the situation in the Arab territories are members, like all of you here, of that human family for whose benefit the Declaration of Human Rights was framed. Yet when I went through the thirty articles of the Declaration, I found that no less than fifteen of them referred to rights which at present are denied to the Palestinians living in the West Bank and Gaza Strip. In other words, exactly one half of the Universal Declaration of Human Rights, which was designed to give equal protection to all members of the human family, does not apply and gives no protection to the inhabitants of the territories occupied by Israel. With your permission, I should like to enumerate these rights which are denied to the Palestinians living under Israeli occupation.

Article 3 states that "Everyone has right to life, liberty and security of person". But in the occupied territories, where thousands of Palestinians are in prison or under administrative detention for supposed offences against the occupation regime, no one enjoys "security of person" against the Military

Government, which is able at will to invade his house, to arrest or detain or deport him by simple administrative order. There was a horribly vivid demonstration in June 1980 of the state of insecurity in which the Palestinians live under Israeli occupation when the Arab Mayors of the West Bank towns of Nablus and Ramallah were the victims of bomb attacks which left them both maimed, while a third mayor was only saved by a timely warning from a similar fate. Whether or not the Israeli authorities were themselves implicated, as many Israelis suggested, in these attacks, they certainly afforded the Palestinian leaders no protection against them; nor have the authors of the outrage, members of the Jewish terrorist organisation which styles itself "Terror against terror" been brought to justice.

Article 5 states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". The subject of torture in the occupied territories has been exhaustively treated by various bodies, including the Special Committee appointed by the General Assembly of the United Nations to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. In its report to the General Assembly in November 1978, the Special Committee referred to evidence which "... confirms the allegations that persons under interrogation are ill-treated and that no adequate remedies exist to safeguard such persons from abuse".

It is proper to observe here that the most abundant evidence of torture and other violations of the human rights of the Palestinians in the occupied territories has been regularly put forward by the Israeli League for Human and Civil Rights, over a period of more than ten years. It is also the fact that in recent years the Israeli press has drawn attention to numerous examples, not only of torture, but also of various forms of "inhuman or degrading treatment" exercised by the Israeli occupation authorities against the inhabitants of the West Bank and the Gaza Strip.

For a long time the press in the Western world was much more cautious in the coverage it gave to human rights violations in the occupied territories. It is difficult to find an adequate explanation for this reticence on the part of the press - and indeed, of Western governments as well - when the evidence of such violations was so comprehensive and had for the most part been supplied by Israeli witnesses. In recent years, however, the international press has begun to overcome its reluctance to criticise the government of Israel over so important an issue and has shown a growing concern over the evidence of widespread ill-treatment, including torture, of Arabs in the occupied territories. The most exhaustive coverage of the subject was provided, after an enquiry extending over six months, by The Sunday Times of London in June 1977. On the basis of its findings, this leading British newspaper voiced the conclusion that the torture of Arab prisoners was "widespread and systematic" and that "It appears to be sanctioned as deliberate policy".

The report in The Sunday Times did much to open to public debate on this important issue of human rights. The Israeli Government took issue with the newspaper and in Israel itself there was concern as well as indignation over accusations so far-reaching and so carefully documented. The National Lawyers Guild in the United States instituted its own enquiry into the subject

and in November 1978 published a 121 page report which again concluded that torture was one of a number of oppressive measures adopted by the Israeli authorities as part of a programme whose objective was to encourage the emigration of the Palestinian inhabitants of the occupied territories.

Three months after the publication of the report by the National Lawyers Guild, the American State Department, in its annual review of human rights practices in countries receiving American aid, also took up the question of torture in Israel. Referring to the persistent allegations of the systematic ill-treatment of Arab prisoners, the State Department expressed the view - a very guarded view, but one which received widespread attention because of the American government's generally protective attitude towards the government of Israel that "The accumulation of reports, some from credible sources, makes it appear that instances of mistreatment have occurred".

The Sunday Times and the National Lawyers Guild had called for an impartial investigation to examine the question of the ill-treatment of Arab prisoners in the occupied territories. The call had been taken up by other bodies and had been echoed inside Israel, where a writer in the Jerusalem Post said that "A well-investigated report by a high-level commission, headed if possible by a judge of the Supreme Court, would be welcome, whatever its verdict". That was in February 1979, but no such public investigation has yet been conducted.

Article 7 of the Universal Declaration of Human Rights states that "All are equal before the law and are entitled without any discrimination to equal protection of the law". It is not, I believe, necessary to spend much time in demonstrating that this article does not apply to the inhabitants of the occupied territories. The only law to which they are subject is the arbitrary 'law' of the Military Government, reinforced by the 1945 Emergency Regulations inherited from the British Mandatory Government, which is applied through military courts or by simple administrative orders from the Military Governor. These laws are enforced only against them; they are not enforced against the Israeli settlers who have been imposed upon the occupied territories. Indeed, it is a complaint frequently voiced by responsible Israelis that the Israeli settlers act in defiance of the law and that often they even enjoy the protection of the Military Government for their illegal actions against the Arab population.

After the concerted series of car-bomb attacks on the Palestinian mayors of the three towns in the occupied West Bank on June 2nd 1980, the French newspaper Le Monde carried an interview, on June 19th, with the Israeli General of the Reserve Mattitياهو Peled, a leading figure in the Sheli party. The following is an extract from that interview:

"Speaking of the future of democracy in Israel, Mr. Peled showed himself very pessimistic 'not simply because of the emergence of the phenomenon of Jewish terrorism, but because this terrorism has the official support of the government. The members of Gush Emunim /an extremist group of Jewish settlers in Israel/ are organised on a military basis and the army supplies them with arms, ammunition and explosives. Their acts remain unpunished and I will go so far as to say that no one dreams of seeking out the guilty parties, who seem to act with the blessing of the authorities... This state of affairs represents, without any doubt, the beginning of the collapse of the whole democratic system in Israel, for it is a matter of public knowledge that the extremists are supported by the army's Chief of Staff and by the Prime Minister personally.'"

So the Israeli authorities, which react very violently against even the most minor infringements of the law by the Arabs in the occupied territories, react in a completely different way to far more serious infringements of the law when these are committed by Jews. Indeed, on the evidence of Reserve General Peled, the authorities actually support and encourage and arm these Jewish law-breakers in their assaults on the unarmed Arab population.

In other words, the law in the occupied territories has one meaning for Jews and a quite different meaning for Arabs - and this is a conclusion from which no Israeli that I know would dissent (and of which many Israelis would approve). Discrimination in legal matters, as in every other aspect of life, is indeed a natural and logical consequence of military occupation, where the law becomes an instrument to enforce the will of the occupier against the interests of the occupied.

International law, which in theory should protect the inhabitants of the occupied territories against victimisation and discrimination by the Military Government, is in this instance helpless, since the Government of Israel has refused to recognise that the provisions of the Fourth Geneva Convention (for the Protection of Civilians in Time of War) are applicable to the occupied territories. In this, as in many other respects, the Government of Israel is at odds with rest of the international community and is defying the will of the United Nations. That such a situation should be allowed to persist and that the Palestinians in the occupied territories should remain, after more than thirteen years, the victims of sustained and legalised discrimination, is a grave reproach to all the governments which have signed the Geneva Conventions and voted for the resolutions of the United Nations calling on Israel to respect the Conventions in its treatment of the population of the West Bank and Gaza Strip.

Article 9 of the Universal Declaration states that "No one shall be subjected to arbitrary arrest, detention or exile". There is no argument about this article. No one disputes the fact that any inhabitant of the occupied territories (except, of course, the Jewish settlers) is liable at any time to arbitrary arrest without any charge being preferred against him, or to administrative detention

(which may last for several years) even if he has not been convicted, or even accused, of any crime. I myself know a number of Palestinians from the West Bank who have been arrested without any accusation being made against them, held in prison without trial for as long as three years, and eventually released without explanation or apology. The State Department report that I have referred to, stated that at the time of its publication there were 2,149 Arabs in prison for security offences, of whom 30 were under administrative detention (meaning that they had not been charged with any offence) and that a further 360 Arab suspects were awaiting trial. So much for freedom from arbitrary arrest or detention.

Article 9 also states that no one should be subjected to "exile" and the word has of course a particularly tragic significance for the Palestinians. More than two million Palestinians living outside Palestine regard themselves as exiles from their homeland; their bitterest grievance is the refusal of the Israeli authorities to allow them to return and live in the land where they or their parents were born and brought up. That is another whole dimension of the Palestinian problem, which is outside the scope of this paper. What does concern us here is that since 1967 the Israeli Military Government has deported well over a thousand Palestinians from the occupied territories against whom they had no legal complaint (if they had had any evidence of any criminal offence, they would presumably have put them on trial) but whom they did not wish to remain in the territory under their control. In many instances, the Israelis clearly selected these people for deportation because they were the leaders of the Palestinian community in the West Bank and the Gaza Strip and for this reason the Israeli authorities thought them likely to encourage a spirit of resistance to the occupation regime. In other words, they sent them into exile because they were patriots, whose example and leadership might prove infectious and whose removal would render the remaining population more tractable and submissive.

The most recent and conspicuous example of this practice on the part of the Israeli authorities of exiling leaders of the Palestinian community concerns the Mayors of the West Bank towns of Hebron and Halhoul. It was on May 2nd 1980 that these two men, Mr. Fahad Qawasmeh and Mr. Mohammed Milhem, were seized together with the Qadi (Islamic judge) of Hebron, Sheikh Rajab Tamimi, put into a helicopter with black bags over their heads and dumped across the border in south Lebanon. There was no pretence of any legal process against them and their deportation was condemned by the Security Council of the United Nations; but this did not save them from the fate which has overtaken hundreds of others whose qualities of leadership and courage in resisting oppression have made them undesirable in the eyes of the Israeli authorities. Among those personally known to me who have suffered this particularly cruel fate at the hands of the Israelis are Mr. Rouhi al-Khatib, the Mayor of Arab Jerusalem; Dr. Walid Kamhawi of Nablus; Mr. Abdel-Jawad Saleh, who at the time of his deportation was Mayor of El-Bireh; and Dr. Hanna Nasir, President of Bir Zeit University and perhaps the most distinguished educationist of his generation in Palestine. No office was alleged, let alone proved, against any of these, but all were leading figures in their local communities. The fact that their deportation was expressly forbidden under Article 49 of the Fourth Geneva Convention made no difference to the Israelis when they decided arbitrarily to send them into exile.

Article 10 of the Universal Declaration states that "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him". Those I have just mentioned were of course given no 'fair and public hearing'; on the contrary, they and many others were bundled across the de facto border into Jordan, surreptitiously, in the small hours of the morning, in conditions often of considerable physical hardship, without the opportunity to communicate with their families or to settle their domestic affairs and without any legal process at all. Thousands of others have testified in the Israeli military courts that the confessions on the basis of which they were sentenced to long prison terms had been extorted from them by torture. The Israeli lawyer, Mrs. Felicia Langer, who has defended countless Palestinian political prisoners in the Israeli courts (and made herself very unpopular in Israel as a result) has published, in a book entitled With My Own Eyes, details of many such cases in which no humanitarian considerations were allowed to influence the decisions of the military courts. No one could testify with more authority than this brave and experienced lawyer to the fact that these courts can in no sense be considered the "independent and impartial tribunal" specified in Article 10 of the Declaration.

Article 12 states that "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence" but that on the contrary, "everyone has the right to the protection of the law against such interference or attack". Even those who have never visited the occupied territories, and who are too young to remember for themselves the German occupation of most of Europe, should have no difficulty in understanding how absurd such a right becomes in the context of a military occupation. The occupier, with the army behind him as the only effective authority, arrogates to himself the absolute right to interfere, at any moment and on any pretext, with the privacy of the citizens under occupation. He may do so in the pursuit of "security", a concept which can be stretched to justify every form of oppression. He may do so with the simple purpose of intimidation and it is my own conviction, based on a great deal of personal experience in the occupied territories that this is often the purpose of the Israelis when they invade the homes or the refugee camps where the Palestinians live. But whatever the pretext, there can be no doubt about the fact: that the Palestinians in the West Bank and Gaza enjoy no freedom, by day or by night, from the threat that their privacy may at the moment be interfered with by the occupation forces. As for the law-- which means simply the authority of the Military Government itself - it is used, not to protect them against such interference, but to enforce it.

Article 13 of the Universal Declaration states that "Everyone has the right to freedom of movement ... (including) the right to leave any country, including his own, and to return to his country". What a bitter irony this

article must have in the eyes of any Palestinian! The right to leave his own country: there is no difficulty for him in that - indeed the Israelis afford him every opportunity, to put it no more strongly. But to return to his country; that is another matter. If that right could be enforced, how many thousands of Palestinians would flock back to the homes and even the refugee camps which they were "encouraged" to leave in 1967 or from which they have been deported since then?

Even the right to freedom of movement within the occupied territories is again subject to the arbitrary will of the occupation authorities. Any Palestinian's movements may be restricted by administrative order confining him to his house or his village - or, of course, deporting him altogether. The lives of whole communities may be affected by the curfews which have been such a feature of the Israeli occupation of the West Bank, sometimes to prevent and at other times to punish any signs of a spirit of resistance. I have myself witnessed several of these punitive curfews, sometimes enforced for one or even two weeks and imposing grievous hardship especially on the most vulnerable members of the community - the aged, the infirm, the mothers with small children. Even without such overtones of physical intimidation, it is evident that the concept of freedom of movement is irreconcilable with that of a military occupation.

Article 15 states that "Everyone has the right to a nationality", and that "No one shall be arbitrarily deprived of his nationality". It is perhaps difficult for us whose national identity is not in dispute, who need not fear that anyone will attempt to question our right to call ourselves Englishmen or Italians or Frenchmen, to appreciate just how poignant is the longing, or how strong the will, of Palestinians to achieve the same unquestioning acceptance. And this is the moment for me to say something which is painful but necessary for me to say.

It was my government, it was the British, who did most to deny the Palestinians for so long the right which one day they will achieve: the right to their proper Palestinian nationality. When we are critical, as we must be, of the injustice and the brutality which characterise the Israeli occupation today, we should not forget that the struggle for Palestinian independence began more than half a century ago, when Britain was the occupying power. Palestinian nationalism is not something new or artificial, although - paradoxically - it has become much stronger and more clearly articulated with the dismemberment of the old Palestine.

This is not the time for us to discuss British policy in the days when Britain held a mandate from the League of Nations to rule Palestine. But let me just say, especially to any Israelis who may be listening, that if I am critical, as I am, of their government's refusal to come to terms with the reality of Palestinian nationalism, I am no less critical of Britain's share in the injustice perpetrated against the Palestinians. I believe that both governments, the British in the 1930s and the Israeli today, have behaved and are behaving in a way that is not merely brutal and unjust, but that is self-defeating. For they have stimulated the desire of the Palestinians to exercise the right which the Universal Declaration holds out as a promise to all peoples: the right to a nationality. I look forward to the day when they will enjoy it in full freedom.

Article 17 deals with the right to own property and states that "No one shall be arbitrarily deprived of his property". That sounds straightforward enough and so self-evident as to be hardly worth including in an international charter of human rights. But for the Palestinians, whose situation in this as in so many other respects is exceptional, there is nothing straightforward about it and no guarantee for any inhabitants of the occupied territories that his property - especially the property that is most valuable of all to him, his land - will not be taken from him without warning and without redress.

Israel's relentless colonisation of the occupied territories by the establishment of Jewish settlements on Arab land has often been described as a policy of "creeping annexation". Its political implications are clear - and they have become steadily clearer since the signing of the Camp David agreement two years ago. Hardly a week now passes without the announcement by the Israeli government of fresh plans to establish Jewish settlements, especially on the West Bank - and this despite the repeated rulings of the United Nations and even of the government of the United States that such settlements are illegal. Besides their damaging effect on the search for peace, these Israeli settlements clearly contravene Article 17 of the Universal Declaration in that they arbitrarily deprive the Palestinian landowners of the West Bank of their property.

Here it is proper to mention that part of the United States in facilitating and encouraging the Israeli government's programme of colonisation throughout the occupied territories. The President of the United States himself has repeatedly said that his government regards the Israeli settlements in the occupied territories as illegal and that they represent a set of obstacles in the way of the search for peace. Yet it is the enormous financial assistance which the United States provides which enables the Israeli government to go ahead, at a time of great economic stringency, with this very costly programme of colonisation. The absurdity of the American position in the matter is self-evident. It is with justification that the Palestinians hold the American government ultimately responsible for this violation of one of their most fundamental rights: the right to retain possession of the land which has been theirs since time immemorial.

Article 19 states that "Everyone has the right to freedom of opinion and expression: this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers". Here again it is not necessary to waste many words in explaining that the Palestinians in the occupied territories cannot enjoy this freedom. Freedom of opinion and expression is quite simply incompatible with a situation where one people is under military occupation by another. The opinions held by the Palestinians in the occupied territories, whose overriding ambition is to regain their freedom, are inevitably distasteful to the Israelis, who use every means to prevent their free expression.

The occupation authorities seek to achieve this by imposing a strict censorship on all publications circulating in the occupied territories and by

preventing the circulation of other publications freely available to Israeli citizens, including the Israeli settlers on the West Bank. The censorship also applies to books and no concession is made to the principle of academic freedom. The Arab Universities on the West Bank are particularly affected and are strictly controlled in the matter of the text books available to their students. In particular, of course, any publication which gives expression to the political and national aspirations of the Palestinians is subjected to close scrutiny and frequent censorship by the occupation authorities.

Article 20 of the Universal Declaration states that "Everyone has the right to freedom of peaceful assembly and association". The occupation authorities would be illogical if they neglected, in their control of ideas and their expression, to restrict also the right of the Palestinians under occupation to meet for the free exchange of ideas and to form political associations. The free exchange of ideas is anathema to any regime of military occupation, and the Israeli regime is no different from other occupation regimes. Its regulations strictly forbid the formation of any political association in the occupied territories and any assembly of three or more persons for the purpose of political discussion. The Military Governor has on many occasions enforced this regulation, even on the elected mayors of the West Bank towns who, by the positions they hold, are the natural leaders of the Palestinian community living under occupation, and so the objects of particular suspicion on the part of the occupation regime.

Article 21 states that "Everyone has the right to take part in the Government of his country, directly or through freely chosen representatives". Here we come to the heart of the matter. This is the fundamental issue where the rights of the Palestinians are concerned. If the Palestinians enjoyed the right to take part, through freely chosen representatives, in the Government of their country, they would not be subject to all the other disabilities in this sad catalogue. They would then have no need to resort to violence in pursuit of rights which all the rest of us take for granted.

But there is, of course, no question of the Palestinians under occupation enjoying this right. It is indeed their chief grievance and for thirteen years they have been under the arbitrary rule of an alien regime whose authority they totally reject. If they are to regain a right to take a proper share in choosing a Government acceptable to themselves, the first and inevitable step must be the ending of the regime of military occupation. From that everything else could follow. But so long as the occupation is maintained, the right enshrined in Article 21 will always be denied to the Palestinians.

Article 22 of the Universal Declaration states that "Everyone, as a member of society ... is entitled to the realisation ... of the economic, social and cultural rights indispensable for his dignity and the free development of his personality". To secure this right, in all its aspects, is not easy for anyone, even in a free society. It is patently impossible for a people living under an occupation regime whose central objective, whether in economic, social or cultural affairs, is to restrict the free development of the Palestinian identity. So long as it remains the purpose of the Government of Israel to impose its rule on the occupied territories, the inhabitants of those territories will be denied the dignity and the freedom which are their birthright.

Finally, Article 28 of the Universal Declaration of Human Rights proclaims that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised". Here it is not only the Palestinians who have a legitimate complaint. As we have seen in the context of the other articles I have enumerated, the Palestinians are deprived of many of the rights and freedoms proclaimed in the historic Declaration adopted by the General Assembly of the United Nations more than thirty years ago. But everyone of us who believes that these rights ought to be enjoyed by the Palestinians just as we ourselves enjoy them must feel that, so long as we are unable to implement this article of the Declaration, we too are deprived of the right to "a social and international order" in which these rights and freedoms can be fully realised by all. We have the right as well as the duty to urge our own governments to adopt policies which will enable us, nor merely to pursue our own national objectives, but to see that this same freedom is extended to others and in particular to the Palestinians, who for so long have suffered the indignity of living under Israeli occupation.

In his inaugural address when he assumed office as President of the United States of America, President Carter declared: "Our commitment to human rights must be absolute ... Because we are free we can never be indifferent to the fate of freedom elsewhere". This should be the basis of our approach to the present situation in Palestine. It is because we are free ourselves that we cannot be indifferent to the fact that the Palestinians in the occupied territories are denied the same freedom. That is why we must do all we can to ensure that the disgraceful state of affairs in the territories now occupied by Israel is brought to an end.

A JURIDICAL ANALYSIS OF THE ISRAELI SETTLEMENTS IN THE
OCCUPIED TERRITORIES

Sally V. Mallison

I. The International Law Applicable in Occupied Territories

The customary international humanitarian law concerning the protection of civilians in territories under belligerent occupation was developed largely in the 19th century. Following the War of 1812 when parts of the United States came under British occupation, United States courts defined the applicable humanitarian law including the limitations which it placed upon the military occupant.^{1/} One of the clearest features of the customary law as developed in the 19th century was that the occupant had no authority to disturb private property rights as opposed to property belonging to the state. As early as 1833, Chief Justice Marshall stated that even in the case of conquest (which was then a lawful method of acquiring territory), the "modern usage of nations, which has become law, would be violated" if private property were confiscated and private rights annulled.^{2/} The outcome of the law-making process was that the belligerent occupant had considerably less than the sovereign powers which a state may exercise over its own territory and was regarded as having only a de facto authority which was subject to various substantive limitations.^{3/}

The Hague Conferences of 1899 ^{4/}and 1907 ^{5/} codified the existing customary law in some respects and added new provisions which were designed to provide more protection for both the lives and the property of the indigenous civilian population of the occupied territory. Some of these provisions were law-making ones when written but today they are regarded as having become so widely accepted by the community of states that they also now reflect existing customary law.

When the Nazis in Europe and the Japanese militarists in Asia flagrantly violated the elementary human and property rights of the civilian populations under their control during the Second World War, the inadequacy of the then-existing customary and treaty law was revealed. ^{6/} In particular, these regimes attempted to evade the application of the law by annexing territory or bringing it under the rule of puppet regimes. A notorious practice particularly associated with the Nazis was the establishment of "Aryan" or "racial German" civilian settlements in the occupied territories. Sometimes the indigenous civilian populations were allowed to remain, and in other situations they were displaced by the German civilian settlers.

The Geneva Diplomatic Conference of 1949 met in the shadow of these grim events with the determination to prevent their repetition. In addition to three Conventions dealing with the subjects of protection of war victims in land warfare, ^{7/} naval warfare, ^{8/} and in prisoner of war status, ^{9/} it produced a Convention which for the first time was devoted exclusively to the protection of civilian populations. ^{10/} Since the main abuses of elementary civilian human rights had taken place in occupied territories, the new Civilians Convention is primarily concerned with civilians in occupied territories. This Convention has almost as many state parties who have ratified or acceded to it as does the United Nations Charter. Its Article 47 provides that the inhabitants of occupied territory are not to be deprived of the benefits of the Convention during a belligerent occupation by any changes

made in the institutions or government of the territory, or by agreements between the local authorities and the occupying power, or by any annexation of the whole or part of the occupied territory. Article 49 (6) prohibits civilian settlements in broad and unequivocal terms, without regard to the purported purpose of the settlements.

The law of the United Nations Charter is also relevant to a legal analysis of the Israeli settlements. There is a basic Charter prohibition upon the use or threat of force otherwise than in self-defense or with the lawful authority of the United Nations. 11/ This Charter principle is specified in Security Council Resolution 242 of 22 November 1967 as "the inadmissability of the acquisition of territory by war." In addition, the principle of self-determination is a basic right of peoples under the United Nations Charter. 12/ It includes, at the least, the right of the indigenous population of a territory to determine their own political future in their own way.

II. The United States Position

As there has been considerable interest in the position of the United States Government concerning the settlements, a brief examination of it may be useful. It is particularly significant that this Government, which has been a consistent supporter of the State of Israel, has continuously maintained the illegality of the Israeli settlements, wherever located, since the intensive hostilities of June, 1967. The unanimous Security Council Resolution 465 of 1 March 1980, which was in the process of negotiation for many weeks, provides that the Security Council:

Determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitutes a flagrant violation of the Fourth Geneva Convention relative to the protection of civilian persons in time of war and also constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East. 13/

This key provision, and each of the other provisions of resolution 465, is entirely consistent with prior positions of the United States Government manifested both inside and outside the United Nations. Subsequent to President Carter's statement, made more than 48 hours later, that the United States' affirmative vote was a mistake resulting from a "failure to communicate" and should have been an abstention, the Department of State submitted forty official documents to the House of Representatives Foreign Affairs Committee which demonstrate the consistency of Resolution 465 with prior positions of the Government. 14/ Even if the United States had abstained on Resolution 465, the legal result in the Security Council would not be changed. The United States could have cast a negative vote and blocked the resolution, but this course of action was not even contemplated.

It is interesting to note that although a recent move by a number of U.S. Senators, both Democrats and Republicans, to cut aid to Israel by \$150 million, a conservative estimate of what Israel is spending annually on its West Bank settlements program, was tabled by a substantial majority, it is the first time such a move has ever been made in the Senate which has been particularly susceptible to Zionist pressure. An editorial in an Israeli newspaper on 20 June 1980 stated:

What counts is not the Senate rejection of that motion but the very fact that it was introduced by a Senator who has a largely Jewish constituency whose record is not anti-Israeli, and that the motion was backed by the Senate Majority Leader. All this only goes to show the extent to which the government of Israel's settlements policy turns U.S. statesmen and public against it. 15/

III. Appraisal of the claims of the Government of Israel under the Criteria of International Law

A. Introduction to the Claims

There is no question but that the overwhelming population of the West Bank is comprised of Palestinian Arabs in spite of the increasing numbers of Israeli civilian settlements which are being implanted there. This means that the Government of Israel, while exercising its own right of self-determination as claimed under the General Assembly Palestine Partition Resolution of 22 November 1967, 16/ is violating the same right of self-determination of the Palestinian Arabs 17/ who had their right specified in the same Partition Resolution. In addition, the Israeli-claimed permanent character of the civilian settlements also brings into application the law of the United Nations Charter. There have been consistent pronouncements of authorized Israeli leaders that the settlements are permanent, and there is the overwhelming primary evidence contained in the World Zionist Organization's "Master Plan for the Development and Settlement in Judea and Samaria, 1979-1983." 18/ The permanent character of the settlements emphasizes their basic function of acquiring territory by "the creation of facts" through military force and coercion.

All of the state participants in the recurring hostilities in the Middle East are parties to the Geneva Civilians Convention 19/ which is a multilateral treaty with almost as broad a membership as that of the United Nations. In addition, the Palestine Liberation Organization has deposited an instrument of accession to the Convention with the Swiss Government. Article 158 of the Convention provides that during a conflict, including an occupation, a denunciation of the Convention:

shall not take effect until peace has been concluded, and until after operations connected with the release, repatriation and re-establishment of the persons protected by the present Convention have been terminated. 20/

Since denunciation is thereby prohibited, the State of Israel has had to attempt other methods to avoid the application of the Convention. Dr. Yehuda Z. Blum, then a lecturer in international law at the Hebrew University of Jerusalem and now the Permanent Representative of Israel at the United Nations, made such an attempt in an article entitled, "The Missing Reversioner: Reflections on the Status of Judea and Samaria" in 1968. 21/ The significance of this article is that the Government of Israel has adopted and

acted upon each of the arguments advanced by Dr. Blum. The balance of the present inquiry will examine the Israeli claims and appraise them under the criteria of international law.

B. Ideological Claims Based upon Politico-Religious Grounds

These claims are frequently formulated in terms of an alleged "divine" or "eternal" right. They apparently seek uncritical acceptance or belief and are not intended to be subject to the criteria of international law. An official version of the claims appeared in the "Guidelines" of the Likhud Party as it was approved by majority vote of the Israeli legislature in the process of installing the government of Prime Minister Menahem Begin in June, 1977. These Government of Israel "Guidelines" state:

The Jewish people have an eternal, historic right to the Land of Israel, the inalienable inheritance of its forefathers. 22/

To the extent that this claim has a supposed "divine" basis, it assumes the existence of a deity with a racist outlook who promotes the expulsion of the remaining Palestinians from their homes in the West Bank and the Gaza Strip because this is part of the historic "Land of Israel". "The Jewish people," a term which does not appear in biblical text, refers to the Zionist-Israel world-wide claimed constituency of Jews. 23/

For present purposes it is sufficient to point out that these politico-religious claims are not made by Jews who regard their religious identity as primary, but by Zionist Jews for political purposes. Many religious Jews regard the claims as invalid and the Zionist ideological arguments as opposed to the moral precepts of universal Judaism. 24/

C. The Claims that the Geneva Civilians Convention is not Applicable in the Territories Occupied since June 1967

1. The Claim Postulating the Necessity that the "Legitimate Sovereign" be displaced by the Occupant

A major Israeli claim originated by Dr. Blum uses the thesis that the application of the law of belligerent occupation in general, and the Geneva Civilians Convention in particular, is based upon the presupposition that the "legitimate sovereign" of the occupied territory must have been displaced by the occupant. 25/ This argument maintains that Jordan and Egypt were not "legitimate sovereigns" in the West Bank of the River Jordan and in the Gaza Strip respectively because they were there as a result of their alleged acts of aggression. 26/ Therefore, the Government of Israel is not required to apply the humanitarian law of the Civilians Convention for the benefit of the inhabitants of the occupied territory. The Israeli argument recognizes that article 2 of the Convention in relevant part provides: "The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party . . . "but assumes, without an identified basis in law, that the word "territory" in article 2 must be narrowly construed as only including the territory over which the displaced government has de jure title or complete formal sovereignty. 27/ There are several compelling legal reasons which require that this claim be rejected.

First, Dr. Blum and the Government of Israel use an obscure method of treaty interpretation which is not known in international law, or indeed in any civilized legal system. It places no reliance upon either the text of the Convention or its negotiating history, which are the accepted primary sources for ascertaining meaning, 28/ because there is nothing in either to support the claim.

Second, the claim assumes without supporting evidence that the word "territory" in article 2 of the Civilians Convention must be interpreted as being restricted to territory where the displaced government had the complete formal title as the "legitimate sovereign". "Even if the claim that Jordan annexed the West Bank unlawfully should be accepted for purposes of legal argument, this does not mean that this territory is not "the territory of a High Contracting Party" within the meaning of article 2. It has never been previously doubted that the word "territory" as used here includes, in addition to de jure title, a mere de facto title to the territory. The words "legitimate sovereign" upon which so much emphasis is placed do not appear in the Convention or its negotiating history. 29/

An interesting aspect of this claim is that much emphasis is placed upon the allegation that only two states, Great Britain and Pakistan, recognized the Jordanian action and this is deemed to demonstrate its invalidity. Dr. Nathan Feinberg, who is professor emeritus of international law at the Hebrew University of Jerusalem, has pointed out that this is a vulnerable argument since no states have recognized the Israeli annexation of Jerusalem - and he refers specifically to West Jerusalem. 30/

Third, the idea that in order to apply the law of belligerent occupation it is necessary for the belligerent occupant to recognize the displaced government's title to the territory finds no support in either the text of the Convention or its negotiating history. In addition, it is contrary to the well-established customary law based upon state practice. For example, during the American Civil War, the United States treated territory which it claimed as the "legitimate sovereign" but which the Confederate States had held as the de facto possessor as being subject to the law concerning belligerent occupation up until the conclusion of the war. 31/ This customary international law was widely observed up until the Nazi and the Japanese militarist practices of World War II, and there is nothing in the Geneva Civilians Convention which changes it.

Fourth, the legal obstacle of the discredited "just war" concept which is relied upon must be raised. Dr. Blum and the Government of Israel claim the right to unilaterally categorize the opponent's title to land as being the result of aggression with the effect that civilians do not receive the protection of the international humanitarian law. 32/ If the humanitarian law were to be changed so that its application was made contingent upon recognition by the belligerent occupant of the justness and the non-aggressive character of the war aims of its opponent, it is perfectly clear that the humanitarian law would never be applied. If accepted, this argument would have astonishing consequences. The argument contends that the inhabitants of the West Bank were the victims of Jordanian aggression in 1948. It is then concluded that because of this, these civilians must be victimized further by being denied the humanitarian protections of the Civilians Convention under Israeli occupation.

The fifth legal block to the acceptance of the Israeli thesis is that it frustrates the entire humanitarian purpose of the Civilians Convention. The Convention is interpreted in the claim as a treaty which is designed to protect governmental rights and particularly the right to claim disputed territory. In contrast, the governments represented at the Geneva Diplomatic Conference of 1949 stated in the preamble to the Civilians Convention that they met "for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War." To attempt to avoid humanitarian protections for civilians by alleging the existence of non-specified governmental rights is to turn the entire Convention upside down. ^{33/} Since the Convention was written by governments, it is clear that the governmental rights which the Israeli claim alleges to exist would have been specified in the Convention if the governments at Geneva had accepted their legal validity. An aspect of this claim emphasized by Dr. Blum is his insistence that the purpose of the Civilians Convention is to protect the "reversionary rights" of the "legitimate sovereign". Once again, this governmental rights claim using the term "reversionary rights" employs words which do not appear in either the text or the negotiating history. In contrast, the official International Committee of the Red Cross Commentary upon the Civilians Convention characterizes it this way:

[1] It is the first time that a set of international regulations has been devoted not to State interests, but solely to the protection of the individual. ^{34/}

2. The claim to Title to Territory Based on "Defensive Conquest"

After contending that the titles of the Arab sovereigns are deficient in one way or another, the Government of Israel then claims to have "the better title" as it is in the occupied territories as a result of what it terms "defensive conquest." ^{35/} The concept of "defensive conquest" is unknown in international law. Even if the premise of an Israeli defensive role in the intense hostilities of June 1967 should be accepted, it is clear that under the United Nations Charter the rights of the defending state extend only to conserving existing interests or values and do not provide any basis for an extension of values by the acquisition of title to enemy territory. ^{36/} Article 2 (4) of the United Nations Charter specifically prohibits "the threat or use of force against the territorial integrity of any state . . ." If international law provided for an exception to this basic rule under the heading of "defensive conquest", it would prove to be an irresistible attraction for a militaristic and expansionist state.

3. The claim of Unusual Circumstances: Sui Generis

An auxiliary claim made by Israel is that the Civilians Convention is intended only for short-term belligerent occupations and is not relevant to the unusual circumstances, termed the sui generis situation, in the Israeli occupied territories. ^{37/} This argument amounts to a plea for an exception from the generally recognized criteria of the Civilians Convention on the ground of claimed special circumstances which, if accepted, would leave the belligerent occupant in effective control of the territories but without the applicable legal limitations. On the contrary, the provisions of the Civilians Convention were adopted in advance by all the parties, including the State of Israel, in order to be applied to all later situations of occupation. The comprehensive wording of the Convention concerning applicability specifies "all cases of partial or total occupation . . ." and eliminates the possibility of exceptions.

4. The Claim that the Civilians Convention Has not been Previously Applied

This claim assumes as a fact that the Civilians Convention has never been applied anywhere else and appears to conclude that, therefore, it should not be applied by the State of Israel. 38/ The short answer is that as a matter of logic, there is no reason to assume that the first time is necessarily an improper time to apply a Convention. There is, of course, no suggestion in the text or the negotiating history of the Convention that it is not applicable for the first time.

D. The Claim that Assumes the Applicability of the Civilians Convention but Contends that its Specific Provision Concerning the Settlements Has not been violated

The sixth paragraph of article 49 of the Civilians Convention is directly in point and it provides:

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

This broad wording, which provides for no exceptions, appeared in the draft Civilians Convention prepared by the International Committee of the Red Cross which was used as a working paper in the Geneva Diplomatic Conference of 1949. 39/ The only change from the Red Cross Draft to the final text is that the word "civilian" in the final text appeared as "civil" in the draft. The Final Record of the Diplomatic Conference of Geneva of 1949 reveals that there were many substantive changes made in the draft Civilians Convention including in article 49, but none were made in article 49(6). 40/ In addition, the negotiating history at Geneva provides no indication of any concern about the comprehensive wording of article 49(6). It is significant that no suggestions were made, much less action taken, to either narrow the wording or to read exceptions into the broad wording.

Dr. Blum, nevertheless, has contended that article 49(6) applies to only one situation, that is, the particular situation where the civilian settlements displace the population of the occupied territory. 41/ He argues that this was the only Nazi practice that the article is aimed at. His contention raises a factual question since there is persuasive evidence that substantial numbers of Palestinians have been displaced from their property by the Israeli settlements. 42/ Assuming for purposes of argument, however, that the Israeli settlements do not displace the indigenous population, it is appropriate to appraise the claim. At the outset there is no possibility of arguing an exception from the text, since it provides for none, and no suggestion of support for exceptions exists in the negotiating history. Professor Blum has therefore cited the most recent edition of Professor Oppenheim's text edited by Professor Lauterpacht. This text, after summarizing the terms of article 49(6) states that it is:

a prohibition intended to cover cases of the occupant bringing in its nationals for the purpose of displacing the population of the occupied territory. 43/

There can be no doubt but that this is one of the several fact situations covered by article 49(6). The Nazi practices, however, were not limited to the displacement of the civilian population since it was often retained to

provide cheap labor or slave labor.^{44/} Professor Blum interprets the quoted text as if it read that the prohibition was intended only to cover cases of the occupant displacing the indigenous population, but that, of course, is quite different from the text itself.

Dr. Blum does not mention article 49(1) which, as a general rule, prohibits forcible transfers or deportations from the occupied territory whether on an individual or mass basis. The fact that this provision stands apart from article 49(6) is a clear indication that the two are not connected or contingent upon each other. The International Committee of the Red Cross Commentary on the Civilians Convention confirms this interpretation by treating each paragraph as separate and comprehensive.^{45/} Therefore, it is not possible to read article 49(1) as stating the only situation in which article 49(6) can be applied.

It may be added that the text of article 49(6), because of its broad meaning, contains no limitation in terms of one or more particular purposes of such prohibited settlements. If the purpose of the settlements is to be regarded as relevant, however, the basic aim of the Israeli settlements, like that of the Nazi ones, is to "create facts" which facilitate the acquisition of territory.^{46/}

IV. Conclusions

There are three basic conclusions which necessarily follow from the legal analysis that has been made. The first is that the Geneva Civilians Convention is applicable in all of the territories which have been occupied by Israel since the intense hostilities of June 1967. The second is that the Israeli civilian settlements in the occupied territories are in violation of the Convention. The third is that the Government of Israel has even violated the customary law of belligerent occupation as it was developed in the 19th century by its actions in the occupied territories.^{47/} Consequently, even if the attempts to evade the application of the Civilians Convention were successful, there is no way that the customary law could be avoided.

Because the Civilians Convention concerns people and not territory and is a humanitarian convention, it should be interpreted liberally to effectuate its protective purposes.^{48/} In view of the universal humanitarian interests that are protected, destroying its effectiveness could be disastrous for all peoples. Those Israelis who are concerned with legitimate national interests rather than with the Zionist policy of territorial expansion are well aware of this protective function of the international humanitarian law. Among them, Professor Emeritus Nathan Feinberg, writing in Ha'Aretz, has decisively rejected the legal arguments of the present Government of Israel as fundamentally inconsistent with Israeli national interests as well as with international law.^{49/} Professor Feinberg concludes that the Civilians Convention is applicable and that Article 49(6) does prohibit the Israeli settlements in occupied territories.

Article I of the Civilians Convention provides in full:

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

The obligation to respect a convention is, of course, commonplace. The obligation "to ensure respect", which was added at Geneva in 1949, was a significant new provision designed to enhance enforcement of the Civilians Convention. It means that if any one of the parties to the Convention violates it, the other state parties are also in violation until they take necessary measures to ensure that the violating party respects it. This is an obligation of all of the parties to the Convention, but as a practical matter, it is a particular obligation of the great powers including the United States and the Soviet Union. The consistent resolutions of the General Assembly calling upon the State of Israel to apply the Civilians Convention and to carry out its terms in the occupied territories 50/ are a reflection of the member-states' obligation as parties to the Geneva Civilians Convention of 1949 and a start toward enforcement. Much more needs to be done to develop a fully effective sanctioning process.51/

Notes

1. U.S. v. Hayward, 26 Fed. Cas. 240 (No. 15,336) (C.C.) Mass. 1815); U.S. v. Rice, 17 U.S. (4 Wheat) 254 (1819); Shanks v. DuPont, 28 U.S. (3 Pet.) 246 (1930).
2. U.S. v. Percheman, 32 U.S. (7 Pet.) 51 (1833).
3. See Conyer, "The Development of Belligerent Occupation",
4 Bull. State Univ. Iowa 3 (1912).
4. Hague Convention II with Respect to the Laws and Customs of War on Land (and Annexed Regulations) of 29 July 1899, 32 U.S. Stat. 1803, 91 Brit. and For. St. Papers 1898-1899, p. 988.
5. Hague Convention IV Respecting the Laws and Customs of War on Land (and Annexed Regulations) of 18 October 1907, 36 U.S. Stat. 2227, Gt. Brit. Tr. Ser. 1910, No. 9, Cmd. 5030.
6. The textual paragraph is based upon Trial of the Major War Criminals Before the International Military Tribunal at Nuremberg (42 vols., 1947-1949) passim, and Law Reports of Trials of War Criminals (U.N. War Crimes Comm., 15 vols., 1947-1949).
7. 75 U.N.T.S. 31 (Conv. I).
8. 75 id. 85 (Conv. II).
9. 75 id. 135 (Conv. III).
10. Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, 75 id. 287.
- II. U.N. Charter arts. 51 and 2 (4).
12. Id. art. 1(2).
13. Operative para. 5.
14. The full text of S.C. Res. 465, President Carter's statement, and the State Dept. legal opinion of April 21, 1978 concluding that the settlements are illegal, are set forth in Mideast Observer No. 6 (P.O. Box 2397, Wash. D.C. 20013) (Mar. 15, 1980). The 40 documents were enclosures to the letter from Asst. Sec. of St. Atwood to Chairman Zablocki of the House Committee, received on March 12, 1980.
15. Ha'Aretz, June 20, 1980.
16. G.A. Res. 181(II) (29 Nov. 1947), 2 U.N. GAOR Resolutions 131 (16 Sept.-29 Nov. 1947).
17. See W. T. Mallison and S.V. Mallison, An International Law Analysis of the Major United Nations Resolutions Concerning the Palestine Question, Ch. IV (United Nations, 1979).

18. U.N. Doc. A/34/605 Annex and U.N. Doc. S/13582 Annex (22 Oct. 1979). See infra note 42.
19. Supra note 10.
20. Art. 158 (3).
21. 3 Israel L. Rev. 279 (1968).
22. Para. 2 of the "Guidelines", Jerusalem Post, Int'l Ed., June 21, 1977.
23. The Zionist "Jewish people" concept has been rejected by the U.S. Government as a concept of international law in the letter of April 20, 1964 from Asst. Sec. of State Talbot to Dr. Elmer Berger, Exec. Vice Pres. of the Amer. Council for Judaism, printed in 8 Whiteman, Digest of Int'l Law 35 (U.S. Dept. State, 1967). This Zionist juridical concept is appraised in W.T. Mallison, "The Zionist-Israel Juridical Claims to Constitute 'The Jewish People' Nationality Entity and to Confer Membership in it", 32 Geo. Wash. L. Rev. 983 (1964).
24. See E. Berger, "An Examination of the Claim of Zionism to Divine Authorization for Establishing Settlements", 1 Arab Perspectives No. 2, p. 24 (May 1980). See also E. Marmorstein, Heaven at Bay: The Jewish Kulturkampf in the Holy Land, passim (Oxford, 1969) which states the thesis that Zionism and traditional Judaism are incompatible.
25. Supra note 21 at 292-93.
26. Id. passim.
27. The same arguments which appear in Dr. Blum's article, supra note 21, were repeated by him in "The Colonization of the West Bank Territories by Israel", Hearings Before the Subcommittee on Immigration and Naturalization of the U.S. Senate Committee on the Judiciary, 95th Cong. 1st Sess., p. 24 (Oct. 17, 1977). Dr. Blum also stated:

Coming now to the question of sovereignty, I would have to say this. Yes, indeed, I consider Israel as the potential sovereign over Judea and Samaria.
- Id. at 36.

Dr. W. T. Mallison presented a different legal analysis in the same Hearings. Id. at 46.
28. It appears unnecessary to cite legal authority to demonstrate the relevance of the text of an international agreement to the interpretation of that agreement. The negotiating history is useful as a means of providing context and background for the text. The importance of context is emphasized in M.S. McDougal, H.D. Lasswell, and J.C. Miller, The Interpretation of Agreements and World Public Order, 119 et seq. and passim (Yale, 1967).
29. The negotiating history of the Civilians Convention is in 4 volumes (numbered I, IIA, IIB and III) of the Final Record of the Diplomatic Conference of Geneva of 1949 (Swiss Federal Political Department, undated).

30. N. Feinberg, "The Legal Status of the West Bank", Ha'Aretz Oct. 9, 1977 Translated in 4 SWASIA No. 27, pp. 6-7 (Nov. 11, 1977) (published by U.S. Nat. Council of Churches).
31. U.S. Army General Order No. 100, Instructions for the Government of Armies of the United States in the Field (24 April 1863) contained arts. 1-10 concerning belligerent occupation. These Instructions are also known as "Lieber's Code" because their principal author was Prof. Francis Lieber of Columbia College, New York.
32. In the Trial of Wilhelm List and Others, 8 Law Reports of Trials of War Criminals, 34 at 59 (U.N. War Crimes Comm., 1948) the U.S. Military Tribunal at Nuremberg held that the law of belligerent occupation was applicable in Yugoslavia and Greece without regard to the question of German aggression.
33. The basic humanitarian purpose of the Civilians Convention is also pointed out in "Israeli Settlements in Occupied Territories", Int'l Comm. Jurists Rev. No. 19, p. 27 passim (Dec. 1977).
34. 4 I.C.R.C. Commentary 77 (Pictet, ed. 1958)
35. In the Senate Hearing supra note 27, Dr. Blum cited only one authority for this argument: S.M. Schwebel, "What Weight to Conquest?", 64 Am. J. Int'l L. 344 (1970) which attempts to develop a concept of "defensive conquest".
36. The customary international law of self-defense also provides no authority to acquire enemy territory.
37. Dr. Blum, supra note 27 at 42.
38. See supra note 33 at 35.
39. Art. 49(6) was numbered 45(5) in the draft. I Final Record, supra note 29, p. 113 at 121. The equally official French text of art. 49(6) is also worded broadly.
40. IIA Final Record, supra note 29, at 759-60.
41. Dr. Blum supra note 27 at 25-26.
42. See the testimony of Mrs. Ann M. Lesch in "Israeli Settlements in the Occupied Territories", Hearings Before the Subcommittees on Int'l Orgs. and Europe and the Middle East of the U.S. House of Representatives Com. on Int'l Rels., 95th Cong., 1st Sess., pp. 7-42 (including appendices) (Sept. 12, 1977). Mrs. Lesch's testimony also indicates the permanence of the settlements.
43. 2 Oppenheim, International Law: Disputes, War and Neutrality, 452 (7th ed., Lauterpacht ed., 1952).
44. Supra note 6.
45. Supra note 34 at 277-83.
47. The Israeli violations of private property rights as detailed by Mrs. Lesch, supra note 42 passim, constitute violations of the customary law of belligerent occupation as it was developed in the 19th century. See supra notes 1-3 and accompanying text.

48. Probably the most fundamental rule of interpretation is that a treaty must be interpreted so as to effectuate its basic purpose. See, e.g., Harvard Research, Draft Convention on Treaties, 29 Am. J. Int'l L. Supp., p. 937 et seq. and especially art. 19.

49. Supra note 30.

50. See, e.g., Gen. Ass. Res. 34/90B of 12 December 1979 which calls upon Israel to apply the Geneva Civilians Convention in the "Palestinian and other Arab territories" under occupation (operative para. 1). Only Israel voted against this resolution.

51. The sanctioning authority authorized by the U.N. Charter appears in Ch. VII (arts. 39-51).

PALESTINIANS AND HUMAN RIGHTS
A STUDY OF AFRICAN OPINIONS AND ATTITUDES TO
THE PALESTINIAN QUESTION

Sulayman S. Nyang

The Continent of Africa is the home of Arabs and Black peoples of various hues and colors. Since the end of the Second World War this continent has witnessed the rapid demise of colonialism and the emergence of independent sovereign states. As a result of the collapse of European imperial rule, Africa now has the largest number of independent states in the world. This large number of political units has given Africa a major place in international diplomacy and politics. One manifestation of her growing role in international politics is her involvement in Middle Eastern affairs, and most particularly in the debate over the Palestinian question.

In this Paper I intend to examine the historical development of African attitudes towards and opinions on the Middle Eastern problem in general and the Palestinian question in particular. For the purpose of this study African attitudes and opinions would be based on resolutions, declarations and communiques of members of the Organization of African Unity in their various meetings in Africa and at the United Nations in New York.

The Paper is divided into four sections. The first part addresses itself to the first phase of African involvement in the Arab-Israeli conflict; the second deals with the shift in African opinions and attitudes against the State of Israel and with the emergence of a near unanimity of views of African states on the rights of the Palestinian peoples. The third section examines the role of Islamic solidarity among the African Muslim states and its impact on the perceptions of some African States of the Palestinian question; the last section offers my conclusions on the subject.

A. Africa and the Arab-Israeli Problem: Phase I

Any discussion of African attitudes and opinions on the Middle East Problem in general and the Palestinian question in particular, must go back to July, 1952 when Colonel Gamal Nasser and a group of young Army officers (generally known as the Free Officers) seized power from King Farouk of Egypt. Up to this time, Egyptian leaders and Arab-Africans north of the Sahara Desert paid little attention to political matters affecting the Africans living south of the Sahara. With the rise of Nasser, however, we witnessed a significant shift in Egyptian policy. Whereas the Farouk regime observed the invisible keep-off warning signs of colonial powers in Africa, Nasser felt himself obligated to lend moral, material and psychological support to Africans fighting against colonial rule. He also believed that he had the responsibility to carry out the historically and geopolitically significant role of gatekeeper of Africa's northern borders. This conception of Egypt's role in African affairs

was well articulated in his The Philosophy of The Revolution. 1/. In that book Nasser argued that Egypt lives within three concentric circles and each circle has a significant role for her to play. To Nasser the Arab, Islamic and African circles constitute what I would call a Psychological Trinity which defines and determines the Egyptian identity in World Affairs.

Because of this self-image, Nasser and his supporters in Egypt embarked on a campaign against the enemies of Africa and the Arab World. In his definition of the enemies of the peoples of the three concentric circles Nasser lumped together the citizens of the newly created state of Israel and the western imperialist powers in the African continent. Because of this Egyptian view of Africa's enemies Israel soon became the target of Egyptian propaganda in Africa, and Israeli activities in the continent came to be seen as detrimental to both African and Arab interests. Convinced that the state of Israel is a Western creature dumped in the heart of the Arab World, and determined to nip it in the bud, Nasser braced himself for a confrontation with Israel and her Western supporters.

The first encounter took place in 1956, when France, Britain and Israel made a joint attack on Egypt. On this occasion Africa could give no support to Nasser and Egypt, because most of her territories were then colonized by Europe and only Ethiopia and Liberia were independent states. In fact, both of these African countries were members of the United Nations, and through that International Organization, they gave some support to Egypt during the Suez Crisis. However, their close ties with the Western Powers inhibited them from giving full and total support to Nasser.

The Suez Crisis, in my view, was a significant event in raising the anti-colonial feelings of Arab-African peoples. First of all, it should be noted that though Britain and France ruled much of the Continent at the time, many an African nationalist secretly or openly sympathized with Nasser's attempt to liquidate the remnants of colonialism in Egypt. This incident must have convinced many young African nationalists that Nasser was serious about ending colonial rule and that he deserved the benefit of the doubt. This view can be supported by the number of nationalists based in Cairo in the 1950s and 1960s. 2/ Secondly, one can also argue that the Suez crisis granted Nasser and his propagandists the opportunity to drum up support from fellow Muslims in Sub-Saharan Africa. Indeed, Nasser did strike a responsive chord and many Muslims from areas South of the Sahara declared their willingness to volunteer for what was then perceived as a Jihad (a holy war) against European unbelievers. Thirdly, one can maintain that the Suez Crisis catapulted Nasser into international prominence and allowed him some psychological leeway in both Africa and the Arab World. 3/

Taking the Suez Crisis as a point of departure, one can proceed to argue that the African peoples became more conscious of the Arab-Israeli conflict in 1956, when their colonial masters were directly involved in the Arab-Israeli conflict, than in 1948 when the newly created state of Israel fought against the Arab armies. There are many reasons why 1956 could serve as a major

Psycho-Political land mark in African awareness of the Middle Eastern Problem. As already stated above, the African nationalist groups were by then already agitating for independence. Nkrumah and his followers in the Convention Peoples Party (C.P.P.) of Ghana were about to take over the reins of government; Sekou Toure of Guinea was a year away from his famous declaration of "NO" to General De Gaulle's offer of closer ties with France as opposed to genuine African independence; the Mau Mau uprising was already a fact in Kenya and its violent sounds were already reverberating in the African Political firmaments. All these developments were part of the mighty stream of African independence, and Nasser and his followers certainly knew the direction the wind of change was blowing in Africa.

Another reason why 1956 could be taken as a major historical landmark in the development of Arab-African relations is that the Suez Crisis served as a rallying point for all the Afro-Asian States. As one observer pointed out, "The Suez Crisis demonstrated how the use of force for settling disputes, particularly when applied by Britain and France, tended to unite the Afro-Asian States". 4/ To many Africans and Asians the Suez Crisis was a struggle between Western imperialist powers and the principles of the sovereign equality of nations.

Nasser's defiance of colonial powers over the use and operation of the Suez Canal was a significant milestone in the evolution of the concept Ali A. Mazrui called "The Principle of Continental jurisdiction." 5/ Despite the fact that Nasser was born Arab and destined to live in Africa where the greater majority of the people are black, he could still commit himself to Africa's territorial sovereignty. The Suez Crisis provided a test case for Nasser's commitment to his self-defined role of gatekeeper of Africa's northeastern frontier. This point is very important because, as we shall see in the sections below, Africa will later rally to Nasser and to his successor, Anwar Sadat, when Israel occupied the Sinai, a piece of real estate African leaders felt Israel should and must surrender to Egypt, if peace is to be maintained in the area.

But even though the Suez Crisis could serve as a major historical landmark in the African struggle against foreign violations of her territorial sovereignty, the fact remains that without being fully liberated the peoples of the continent could not play any meaningful role in the resolution of the Middle Eastern problem and the Palestinian question. Africa's presence began to be felt in international diplomacy only with the decolonization of the colonial territories. The year 1960 has been widely hailed as Africa's year, largely because a great number of African countries wiggled out of the western colonial web and started a new life in international politics.

The United Nations has been the forum for the newly independent states since its inception; and each and every African and Asian State that obtained independence sought the legitimacy conferred by this international body. 6/ Yet, while new nations obtained badges of sovereignty from such an august body, they also received additional political and diplomatic responsibilities. One of the problems that the Africans found at the United Nations was the Middle

Eastern Problem. Though their countries were not independent when the Problem arose, many of the new leaders had read about it and have developed some opinions or attitudes toward it.

One of the most interesting aspects of African views of the Middle Eastern Problem, is their initial ambivalence towards the two combattants in the area. As one commentor has argued, the Jewish People were not well-known to black Africans. The only Africans who had some understanding of the situation were those who went to western schools and universities and read about the Jews. But, adds our commentor, even this educated class of Africans learnt about Jews through biblical accounts and the writings of such celebrated literary figures as Shakespeare and Voltaire. 7/ Because of this understanding, African leaders of the independence movement took initially a somewhat "neutralist" position towards the Arab-Israeli conflict. Many reasons have been given for such a political stance. Some have suggested that Africans did not want to fan the flames of the bipolar cold war politics of the early sixties; others have stressed that the Africans wanted to be left alone, so that they could address themselves to the challenges of political engineering and economic development. Regardless of what motivated the African leaders, the fact remains that they refused to give full and total support to the Arab cause in the Middle East.

· Because of this initial African reluctance to show total and enthusiastic support for the Arab dream of recapturing Palestine from the newly installed Israelis, the Israeli policy makers found it impolitic and foolish not to capitalize on African ambivalence. Fearing growing isolation by the increasing number of Afro-Asian States, the Israelis soon sent out their emissaries to the African Continent. Writing twenty-one years after his assignment as Israel's First Ambassador to Black Africa, Ehud Avriel, a former Ambassador to Nkrumah's Ghana, puts it this way:

The Prime Minister explained the underlying idea: we must break out of the encirclement by a hostile Arab world and build bridges to the emerging nations on the black continent. We could not allow a situation similar to that of our relations with most Asian nations to develop. There we had been excluded from the Bandung Afro-Asian Conference in 1955. Burma at the pinnacle of her prestige was our friend. But almost every other nation on the continent we shared, was not. We had more to offer to Africans than just diplomatic niceties - we were prepared to aid in their social and material development. 8/

According to Avriel, the wooing of Nkrumah and his fellow countrymen was pursued very seriously by the Israelis. Ghanaian ministers and top politicians, such as Kojo Botsio (Israel's advocate in Nkrumah's cabinet), Nathaniel Welbeck and Ras Makonen (a Diasporic black from the Americas working in Ghana) were invited to Israel. Apparently they were schooled indirectly on things and experiences that make blacks and Jews members of the world

community of suffering, as well as fellow believers in the Abrahamic message. 9/

This bid for African support proved successful and by 1969, 32 African States had diplomatic ties with Israel and about 20 had cooperative treaties with it. 10/ Israeli success was due to many factors and we can list a few for the purpose of this study. First of all, Israel was seen as a small country and so could not be imagined as a threat to African security. 11/ Secondly, Israel benefitted from the successful campaign of the Zionists in the world media that they have regained and revived old Zion through the transformation of the Palestinian desert into an oasis of peace and prosperity. 12/ There were thirdly, those who believed that many African leaders were suspicious of Arab motives and intentions and for this and other related reasons, encouraged the Israeli courtship of Africa South of the Sahara. Evidence for this view is almost always based on the widely quoted remarks of Chief Obafemi Awolowo of Nigeria. This leader of the opposition in Nigeria has written that black Africans should not extend the circle of brotherhood to include the Arabs in North Africa simply because their loyalties to Africa are suspect. According to him, Arabs have double loyalties and when the chips are down, they are most likely to identify with their brethren to the east. 13/ Last but not least, there were those observers and commentators who attributed what was widely described in western newspapers as the "Israeli miracle in Africa", to sheer industry and competence. Those who espouse such views found evidence for their argument in the popularity of Israeli technical assistance experts in most of Africa South of the Sahara. 14/ Between 1957, when Nkrumah's Ghana became independent, and 1973, when Israel began to suffer diplomatic and political setbacks in Africa, many African ministers attended conferences and symposia in Israel. Israelis went into business partnership with African governments and the most significant project in this category was Nkrumah's decision to establish the first African shipping company ever. 15/ The Black Star Lines Cooperated with the Israeli Zimm Company.

Other Israeli Projects include water works in Nigeria, Youth training in Ivory Coast, the introduction of the lottery system in Sierra Leone and the training of military and security forces in Zaire, Uganda and Ethiopia. Israeli technical assistance was also evident in the work of Soleh Boneh, the Histadrut Construction Firm. She was also very actively involved in the establishment of Nachal type settlements to stem the tide of rural exodus in many African countries. The training of Paramedical personnel who could offer first aid to injured persons was another venture of Israel in Africa. The Israelis also provided expertise to African countries like Ghana, whose leaders decided to encourage poultry farming. They also provided technical assistance to Senegal in bee-hiving and in many other areas. 16/

The Israelis were able to woo and win African support largely because of their determination to prove themselves better than any of their western rivals, be they Peace Corps from America or V.S.O. Volunteers from Britain. Indeed, one could say that, if their Masada Complex has been the motivating force behind the Israeli people during the last thirty years, then their Messianic complex played an important role in their work in Africa. 17/

B. The Shift in African Opinions and Attitudes Towards Israel

As we have noted above, the first decade of African independence revealed close ties between Israel and many African States. This state of affairs was changed by a train of events which can be traced back to the June war of 1967. Prior to this time, Israel successfully outmanoeuvred her Arab rivals in Africa. The Arab States like Egypt tried their very best to convince the African States that Arab interests was in many respects Africa's interest. To prove this politically sensitive point, they argued that Israel was a European problem planted in Arab soil, that the liquidation of Jewish people in Germany and beyond was the work of a European called Hitler and they (the Arabs) must not be called upon to pay for Germany's sins, and finally, that Israel was a Western Trojan horse sent into the Arab world to stifle Arab attempts at self-definition and self-development. These arguments were effectively and eloquently put forth by Egyptian delegates to African and UN Conferences. At the first conference of independent African States held in 1958 in Accra, Ghana, the Egyptians tried to rally African support for the Arab cause in the Middle East. This drive was partially stymied because of the cautious policies of African radicals like Nkrumah and the moderate if not very conservative policies of the Haile Selassies and the William Tubmans. In retrospect, one could argue that the Egyptian attempt to lead African against Israel was unsuccessful in the sixties because of a number of factors. First of all, the contradiction in the Pan-Africanist message exposed both the Black Africans and the African Arabs to Israeli manipulation. Sensing that some interpretations of the Pan-Africanist message implies a correlation between blackness and Africa - a view generally held by almost all conscious readers of the World Press, the Israelis and some Africans contend that Arabs are not Africans and hence should be treated as long-established invaders. This view of the Arabs was based on a distortion of African history and an exaggeration of Arab atrocities during the slave trade. Another reason for the failure of Arab diplomacy in the Africa of the early sixties was due to the Polarisation within the African Political Community itself. 18/ The arrival of a large number of independent French-speaking African States complicated the problems associated with the embryonic African diplomacy of unity. These former French colonies were closely tied to their metropolitan ex-master and for this and other related reasons, they shied away from Nkrumah's and Nasser's rhetoric of aggressive anti-colonialism. To lend institutional support to their views of the World, they eagerly organized themselves into what was called in 1960 the Brazzaville Group (officially named the Union of African States and Malagasy). This organization with the acronym UAM, became a moderating factor in African international politics. Almost all of its members resisted the radicalism of the Nkrumahs, the Toures and the Nassers, who grouped themselves under what was called in 1961, the Casablanca Group. Named after the Moroccan City of Casablanca, this informal organization symbolized the radical African opinion during the Congo crisis. What distinguished this group from its rival, the UAM, was its strong and consistent support for Patrice Lumumba during the imbroglio in Congo.

The formation of the Casablanca Group was significant in many respects, but for the purpose of this study, I will mention only two of these points. Foremost in our consideration should be the fact that it was at the formation of this group that the Egyptians and Arabs scored their first psychological victory against Israel. The African radical states of Ghana, Guinea and Mali, along with the Arab-African States in the Casablanca Group, endorsed a resolution denouncing Israel "as an instrument ... of imperialism and neocolonialism, not only in the Middle East but also in Africa and Asia." ^{19/} Though the Israeli policy makers pressed for and obtained an explanation from Nkrumah on the Ghanaian vote, the fact remains that this resolution made it abundantly clear that Islamic Solidarity and radical Pan-Africanism together constituted the greatest threats to Israeli diplomacy in Africa. This view of the Casablanca resolution at the time was not quite evident to most observers; it became clear only in later years. ^{20/} Another significant fact about the Casablanca Group was that the Arab-African states of Libya, Tunisia and Sudan did not give full and total cooperation. One would have expected their support for the Arab cause through some form of participation in the Casablanca Group. Yet, in making such an assumption, one must recognize the limits set by realities to political cooperation even among Arab-African states. A classic example of Arab disunity was the war of words and nerves between Morocco and Mauritania in the 1960s. The former's claim over the latter's territory made it difficult for their common membership in the Casablanca Group. Such a state of affairs led Mauritania to seek friends and allies south of the Sahara. Indeed, the feud between the two Arab-African states dramatized both the low degree of solidarity among Maghrebi states and the failure of Arab diplomacy to co-ordinate their foreign policies in Africa and the world. ^{21/} This fratricidal tendency among the Arab States in North Africa, also manifested itself in the Arab east, weakened Arab diplomatic unity and hence gave Israel the opportunity to consolidate her gains in Africa and to muffle Arab protests about the Palestinian question.

It is of course against this background that one could understand Nasser's decision not to press for African support on the Middle Eastern Question at the founding of the Organization of African Unity (OAU) in 1963 in Addis Ababa, Ethiopia. At that conference Nasser shied away from introducing the matter because he was bitten many times by his African colleagues who wished not to be dragged into the Arab-Israeli conflict.

In assessing the reasons for the shift in African opinions and attitudes towards the Arab-Israeli conflict in general and the Palestinian question in particular, one must see the Israeli victory of June, 1967 as a major historical landmark. Contrary to Professor Adeoye Akinsanya's view that "The isolation of the Casablanca Bloc at the Monrovia Summit forced President Nasser to reconsider his African policies and bring them into line with those of the majority of African States, namely, the Monrovia Bloc," ^{22/} the historical record seems to show that Nasser did not deradicalize his politics. Rather, he desisted from appealing directly to African leaders for support. Indeed he refused to table for discussion the Arab interests in the Middle Eastern Question and left his colleagues at the May, 1963 OAU Summit in Addis Ababa with the following words of Political Prophecy:-

...We shall not submit this problem for discussion at meeting, in the conviction that progress of free African endeavour will, through trial, reveal the truth day by day and lay it unmasked before the African conscience. 23/

Following the 1963 Summit the Arabs continued to build up their structures of cooperation with the Africans. Nasser's Egypt, for example, unilaterally undertook an Arab response to Israeli activity in Africa. In the 1950s and 1960s Egyptian export/import companies established branches in many African countries. The Egyptian authorities undertook many projects in Africa and signed many economic agreements. To counteract what Egyptian diplomats perceived as Israel's evil designs in Africa, i.e., Israel's sponsorship of conferences and other development and nation-building programs, they too organized numerous conferences in various fields. The most significant ones were the Afro-Asian Economic Conference (1958), the Conference on Economic Development Problems (1962) and the First Industrial Conference for African States (1966).

Egyptian efforts to contain Israel was not very successful because of the absence of effective co-ordination of Arab diplomacy. While the Maghrebi States were divided over one issue or another, the relations of states within the Arab east were not very good either. The wave of Nasserism in the Middle East was fiercely resisted by the conservative Arab monarchies of Jordan, Saudi Arabia, Libya, and the small Sheikdoms still under British Protection. 24/ These countries were targets of radical Arabs who wished to see more agreeable fellows representing their countries in the caravan of Pan-Arabism. Owing to this fear of political annihilation, they paid lip service to the Palestinian cause while taking all measures to contain unruly and politically dangerous forces in their countries.

These developments in both North Africa and the Arab Middle East combined to put an effective brake on Nasser's drive to make the Arab cause part and parcel of the African interest. Egypt's quarrel with Saudi Arabia certainly helped divide the Islamic forces in Muslim Africa. As a result of their war of words, which later heated up into a full-scale war in Yemen, African Muslims began to take sides. The Saudi response to Egyptian propaganda against the House of Saud resulted in the establishment of bodies and instruments of propaganda comparable to what Nasser had in Egypt. For example, in response to Nasser's Voice of the Arabs, the Saudi put up their own Voice of Islam. Again, to counteract Nasser, they also set up their own body (RABETAH AL-ALAM AL-ISLAMI) to match Egypt's Supreme Council on Islamic Affairs.

These fratricidal feuds prevented the Arabs from co-ordinating their policies and projecting a more positive image of themselves in the World. Indeed this, together with the Pre-1967 global perception of Israel as an under dog, is largely responsible for Arab lack of success in Africa of the early sixties.

The changing of such conditions soon gave the Arabs a new image and a good sense of solidarity in Africa in particular and in the Third World in general. Israel's victory in 1967 and her gradual entanglements with racist South Africa combined to change her image in Africa and the Third World.

Looking at the Afro-Asian attitudes towards the Middle Eastern Conflict, an Arab writer has identified seven factors which he believes, are contributory to Israel's loss of African support. On his list are: (1) Africans began to see Israel not as an underdog but as a formidable foe for the Arabs. (2) Israel's refusal to accept United Nations and OAU resolutions calling for her withdrawal from Arab lands. (3) The rise of feelings of Islamic Solidarity among peoples in Muslim countries of the World. (4) France's decision to take a more neutral stance in the Arab-Israeli Conflict affected some of Africa's French-speaking states; (5) Greater Arab use of the OAU as a platform for the Arab cause; (6) the increasing Arab emphasis on the right of return of the Palestinian people and on their right to self-determination, independence and national sovereignty; and (7) Arab economic aid to Africa. 25/

With the benefit of hindsight, the above-mentioned author could give us all seven factors as explanations for the changes in African perceptions of the Arab-Israeli conflict. However, one can argue that the gradual drift towards greater African identification with the Arab cause began with Sekou Toure's decision to send a message of solidarity with the Egyptian people in their struggle against Israel. Toure's message of solidarity, which reached Nasser some days before the eruption of the June, 1967 war, was most certainly distasteful to Israel. 26/ In that radio message broadcast over Radio Conakry, the Guinean President told his Egyptian fellow nationalist that he was quite ready to put the Guinean Popular Army at the disposal of Egypt and the Arab cause. Since President Sekou Toure has been a very active and decisive Third World leader, it would be unfair to dismiss his radio broadcast as a propaganda ploy. The Israelis, be it noted, certainly took notice, and it is not surprising that Israeli-Guinean relations reached the lowest point soon after the June war.

This Guinean example was not followed immediately by other African States; but the radical elements in Africa and in the World began to attack Israel more severely and frequently. This denunciation of Israel by the world radicals was more pronounced in Afro-Asian and Third World forums than in All-African gatherings. At the 1966 Tricontinental Solidarity Conference held in Havana, with a heavy Afro-Asian attendance, the delegates passed one of the most sweeping anti-Israeli resolutions ever presented at a Non-Arab forum. 27/ The resolution called for the severance of political ties with Israel; the imposition of an economic, and cultural blockade; the expulsion of Israel from international organizations; the combatting of Zionist infiltration and penetration; the cancellation of agreements with Israel; and the granting of material and financial aid to Palestinians. The resolution also warned against Israeli technical assistance "as a new disguised method of imperialism and neocolonialism of the U.S." 28/ Such a resolution certainly influenced Sekou Toure's Guinea, for as is well known now, Guinea participated effectively at that conference. The conference itself took place at a time when Guinea's prestige as a revolutionary state in Africa and the Third World was very high.

It should also be pointed out that in 1966, Guinea's Sekou Toure offered asylum to his friend and comrade Dr. Kwame Nkrumah, after he was overthrown by the Ghana armed forces. This coup d'etat was viewed in radical circles, as an event masterminded by Western and Israeli intelligence services. Also, one should note that Guinea was the host of the PAIGC of Amilcar Cabral, one of the most effective speakers at the Tricontinental Conference.

Against this above-mentioned background one could argue that President Toure's message of solidarity with Egypt was an attempt to reconcile his government's policy on the Middle East and the resolutions adopted by the Guinean delegation to the Tricontinental Conference. Furthermore, one could also maintain that the Tricontinental Conference was, in retrospect, a harbinger of what we now see in international politics, for it granted the Palestinian a forum to put across to the World his view of things in the region. This conference was also significant in another respect. That is to say, it committed the liberation groups in Africa to support the Palestine Liberation Organization (PLO) and hence increased the number of states supporters of the Palestinian cause when these groups seized power in 1973/74 from Portugal, Spain and France.

Writing on the impact of Third World radicalism on African-Israeli relations, the prominent African political scientist, Ali A. Mazrui, states that African radicals have been more pro-Arab than any other African political group. Mazrui identifies a number of factors which he believes could explain the cooling off of relations between radical African states and Israel. First in his list, is the fact that Israel "was too much a part of the Western World;" ^{29/} secondly, that Israel fits the general pattern generally associated with settler colonialism, and that the significant fact which "made Israel look suspect to black radicals was the link which the Israelis had with regimes in southern Africa; and the diplomatic record of Israel on issues connected with southern Africa". ^{30/} Mazrui further argues that the "old commitments to create a Jewish state had produced unintended similarities with certain aspects of the official ideology of white-dominated South Africa." ^{31/} In developing his arguments on why radical Africans severed their ties with Israel, Mazrui continues on to say, by the early 1970s, the Israelis were terrified at the prospect of living in a binational state, a fact largely resulting from the growing Arab population through natural birth and ironically enough, through Israel's own annexation policies in the West Bank. ^{32/} This increase in the Arab Palestinian population, Mazrui contends, puts Israel in a morally difficult position, for how can the Israeli authorities deny the Palestinian Arab the right to return except on the basis of "a racial or ethno-cultural exclusivity ... (which) have resulted in forms of repression against Palestinians living outside Israel which sometimes bear comparison in their immorality with what has happened in South Africa." ^{33/} To the fact that the "logic of apartheid" is similar to "the logic of zionism," Mazrui adds two other factors which he also believes led to the severing of African ties with Israel. These are (1) that African radicals are trans-Saharan in their Pan-Africanism, and their identification with the African continent leads them logically to identify with the Arab cause; (2) that the Arabs were in the vanguard of anti-imperialism in the Third World, and that countries such as Egypt, Syria and Algeria have been major participants in movements for Third World liberation.

The factors identified by Mazrui may partially help us to understand the radical African decision to break ties with Israel. But since we wish to understand the forces and factors which led to the general African drift towards the Arab cause, let us follow the train of major historical developments in African-Israeli relations. First of all, we know that by 1968, Africans have begun to sympathize with Egypt over her loss of the Sinai. Evidence for this view can be gleaned from the 1967-68 OAU resolutions which in many respects were similar to those taken by the UN General Assembly. 34/

In addition to the general support for Egypt, there was beginning to emerge a new sense of understanding of the Palestinian question. Whereas up to the early 1960s, the Arab-Israeli conflict was confined to the struggle between Israel and the independent Arab states, by 1968, even the moderate Arabs now show some appreciation of the Palestinian Problem. 35/ This is certainly true of the Maghrebi states that paid no serious attention to the Palestinian quest for a national identity. With regard to the African states, the year 1968 served as another milestone in their long journey to understand the Arab cause in Palestine.

President Habib Bourgiba, himself a Maghrebi Arab and the leader of the Tunisian people, set the new pace of political thought in Africa about the Palestinian question. 36/ At a news conference in April 28, 1968, the Tunisian President made a point which was soon to reverberate again and again in the firmaments of African political debates. He told a reporter interviewing him that:

"up to last summer (1967), it (the Arab-Israeli conflict) was purely a question of relations between Arab countries and Israel. Since last June, however, the situation has changed one of the factors - the most important one, in fact, has been the emergence of Palestinian resistance. The Palestinian resistance. The Palestinian people, who used always to depend on the Arab countries, has started to rely on itself, in other words, has started to exercise control over its own destiny ... The problem today, more than at any time in the past, is how to get rid of a classic form of colonialism such as Tunisia, Algeria, Morocco, Kenya and other countries have experience. 37/

President Bourgiba's statement made it clear that Zionism in Palestine is one form of settler colonialism, and the list of countries cited at his News Conference punctuated his point. This new theme on the Palestinian question, be it noted, was quickly picked up by the Arab media and soon became a part of the political vocabulary of the Arab states. Though the idea expressed by President Bourgiba was in circulation, it took a few more years to gain acceptance in Subsaharan African political circles. Only Mauritania, a country very much a bridge between Black Africa and Arab Africa, seized upon the idea, and during a 1968 visit to Syria, former Mauritanian President Moktar Ould-Dadah signed a joint communique which echoed President Bourgiba's words and continued on to "express support for the Palestinian brothers in their struggle against" what they believed to be "zionist-imperialist aggression". 38/

They also agreed that "Israel is a racist-colonialist base established by imperialism in the heart of the Arab homeland to ensure military, political and economic domination and to control the resources of the area." 39/ They further expressed the conviction that "armed popular struggle is the most effective way of confronting the challenges of colonialism and imperialism and the ambitions of zionism ..." 40/

The time lag in the African acceptance of the Tunisian statement on the Palestinian question became evidence in the speeches of the African delegates to the U.N. General Assembly. In spite of the growing disillusionment with Israel's diplomatic posture, African states, and most particularly the moderate majority, were still willing to serve as go-between for the Israelis and the Arabs. President Senghor provided the philosophical justification for the African role as mediator in the conflict when he stated that Blacks, Jews and Arabs are all members of a community of suffering. In his own words, the Jews, the Arabs and the Blacks constitute "the trilogy of suffering."

This African understanding of the Middle East question persisted from 1967 to 1973. During this period the African leaders at the OAU and the UN General Assembly passed resolution after resolution condemning Israeli intransigence and calling upon her to withdraw to pre-1967 boundaries and accept the mediation efforts of Dr. Jarring, the Special UN Representative charged with the arduous task of bringing both the Arabs and the Jews to the negotiation table. 41/

In examining the evolution and development of African attitudes and opinions on the Middle East Question, we must bear in mind that the shift towards the Arab side was gradual and cautious. A study of the voting behavior of 33 sub-Saharan African States on issues relating to the Middle East conflict, shows that African countries, in so far as voting patterns on draft resolutions in the UN General Assembly are concerned, could be divided into five clusters. The first group, consisting of Burundi, Congo Brazzaville, Guinea, Mali, Nigeria, Senegal, Tanzania, Uganda and Zambia gave overwhelming support to Arab countries and hence could be labelled the backbone of the Pro-Arab lobby within the African Group at the United Nations.

The second cluster was made up of Botswana, Dahomey, Ivory Coast, Lesotho, Liberia, Malawi, Rwanda and Madagascar. This second cluster gave their votes to pro-Israeli matters discussed and voted on at the UN. The third cluster of Cameroon, Chad, Ethiopia, Kenya, Mauritius and Niger only rarely voted in a manner directly favorable to Israel. In the majority of cases, according to Ran Kochan, Susan Aurelia Gitelson and Emphraim Dubek, the overall tendency of this cluster was toward abstention; but when it voted directly, it did so in favor of the Arabs.

The fourth cluster, consisting of Swaziland, Gabon, Gambia and Ghana often refrained from voting in a Pro-Arab manner. This cluster preferred abstention or absence while such matters are voted on at the UN. The fifth cluster, which included Sierra Leone, Togo, Upper Volta, Central African Republic and Zaire, voted for pro-Arab resolutions calling for Israeli withdrawal

to Pre-1967 boundaries in exchange for a political settlement of all the issues relating to the Middle East Problem. The members of the this cluster also voted in favor of Israel on resolutions that are one-sided condemnation of Israel. Based on their study, the three researchers concluded that the votes of this last cluster showed that the members voted almost equally for either Israel or Egypt. 42/

A reexamination of the above-mentioned clusters would show that the Arab cause and the issue of Palestinian identity were stifled if not voted against by the second and fourth clusters. The first cluster gave Israeli diplomacy an important moral and psychological boost at a United Nations where communist states were beginning to join the Afro-Asian countries in denouncing Israeli intransigence over her withdrawal from occupied Arab lands.

The countries listed in the second and fourth clusters were at this period in African political history headed by very conservative leaders who were either victims of geography and history or political circumstances and history. The three countries, Botswana, Lesotho and Swaziland, were and still are geopolitical hostages of South Africa, and for this and related reasons, the links between Israel and South Africa would steer them towards a cautious, if not strong, pro-Israeli voting record at the United Nations. The voting record of Ivory Coast and Liberia could be explained in terms of their conservative leadership who deplored some of the violent tactics used by the Arab Palestinians to give global exposure to their plight. It should be noted also that it was the governments of Ivory Coast, Ghana under Busia, and Liberia that tried to encourage some form of dialogue with Africa's political leper, South Africa. Given this diplomatic posture of these three governments during the period studied by the three researchers mentioned above, one could expect such governments to push some form of Arab-Israeli dialogue. The voting behaviour of countries like. The Gambia, Dahomey, Gabon, Malawi, Madagascar and Rwanda could also be explained. The Gambian leadership was very much pre-occupied with the viability and survival of this tiny African country and at the time saw the Israelis as a good example of a people determined to safeguard their small territory against many odds. 43/ Being a conservative moderate and not subjected to any Pan-Islamic pressures at home, President Jawara could afford a pro-Israeli policy. This changed however, when Arab and Muslim pressures mounted. Between 1968 and 1973 he changed his religion and began to build bridges into the Arab world. A similar phenomenon is found in Gabon. During the 1968/73 period President Bongo of Gabon embraced Islam and began to open himself to Arab influences. This became more evident in the post 1973 period, when Gabon became a full member of the Organization of the Islamic Conference (O.I.C.), although the Muslim population in Gabon is not significant enough to justify such membership.

In case of Dahomey, Malawi, and Madagascar, we can say that domestic political considerations together with certain external factors motivated the leaders of these countries to vote along pro-Israeli lines or abstain from voting altogether. For example, President Banda of Malawi, who by this time was considered an outcast in African political circles, found his country in an isolated position very much similar to that of Israel in the Middle East.

In another sense, one could say that Banda's flirtations with both Israel and South Africa made him, in Arab and African eyes, the bestman at the wedding of apartheid and zionism.

The Rabat Summit of 1972 was a major landmark in the gradual shift of African opinion in the Middle East Conflict. At this conference the African leaders recalled their resolution (A.H.G./Res.666(VII) of 1971 on "Continued Aggression Against the United Arab Republic," and expressed dissatisfaction with Israeli attitude towards the peace process under Dr. Jarring's initiative. They also called upon the Hebrew State to withdraw to Pre-1967 boundaries. Last but not least, the African Heads of States and governments, called on 11 UN members "to intensify their actions, in both international forums and the Security Council and General Assembly, to take all initiatives for the immediate and unconditional withdrawal of Israel from the Arab territories and the condemnation of Israel." 44/ This resolution was not altogether new, for the OAU resolutions taken since 1967, had called for Israeli withdrawal. What is significant about the Rabat Summit was its decision, apparently supported by those African States listed in clusters 2 and 4 of the study cited above, to push for the condemnation of Israel in international forums.

This African change of heart could be traced back to the abortive peace efforts of the Committee of Ten selected by the 1971 Addis Ababa Summit of the Organization of African Unity. 45/ This Comité des Sages was charged with the task of working out a framework for peace between the Arabs and the Israelis. As a result of its deliberations, a four-man Sub-committee headed by President Senghor was empowered to visit Cairo and Tel Aviv. 46/ Reporting on the progress of this African peace initiative headed by his President, the Senegalese Foreign Minister, Dr. Amadou Karim Gaye, told the UN General Assembly that the purpose of the OAU Mission "had been to establish contacts with the parties in order to help towards the resumption of Ambassador Jarring's mission under Security Council resolution 242 (1967)" 47/ He added that, "the main concern of OAU was the implementation of that resolution". The Senegalese Foreign Minister continued to list the areas of concern the two sides were willing to discuss. 48/ This optimism of the African peacemakers was not borne out by the train of developments and as noted above, the African States voted solidly to condemn Israel. It has been pointed out that the Rabat Summit was significant in the sense that the resolution of condemnation "was moved by Ivory Coast, perhaps the most pro-Israel state in the continent," and at a time when "two-thirds of the OAU member-states then maintained diplomatic and economic relations." 49/

The Rabat Summit was the beginning of a new relationship between Africa and the Middle Eastern countries. The death of Nasser in the summer of 1970 left a big political void in the region and his newly installed successor, President Sadat, was either under-rated or thought to be less of a threat to conservative forces in both Africa and the Arab world. This perception of President Sadat in the Third World countries gave rise to two things. In conservative Arab and African circles, a groping for understanding with Egypt started and President Sadat soon began to hobnob freely with conservative Arab leaders. This rapprochement aided in the Arab search for self-pacification and self-understanding. Old wounds were allowed to heal and new strategies worked out on the Arab front. Similarly, on the African side, the death of Nasser and the emergence of Sadat provided opportunity to the conservatives and moderates to

for peace. Indeed, it is against this background that one could understand, first, the emergence of greater Muslim solidarity and, second, the growing African feeling of disillusionment with Israel. As I intend to show in the next section, the departure of Nasser from the scene enabled the Saudi leadership to make peace with the new Egyptian leadership under Sadat. This arrangement facilitated the propagation and development of the Saudi brainchild, the organization of the Islamic Conference. It also brought together the Muslim groups and personalities in Africa whose loyalties were previously divided between Egypt's Nasser and Saudi Arabia's King Faisal. This new sense of Egyptian-Saudi unity and of greater Islamic solidarity was best symbolized by the appointment of Egypt's Hassan Touhami as Secretary General of the Organization of Islamic Conference. 50/

The success of President Sadat in the Arab east was not replicated in the Maghrebi. There the brief honeymoon with Colonel Ghaddafi of Libya was to end in bitterness. The political squabbles between the two Arab-African rulers, triggered partly by the Libyan's assertions of his claims as Nasser's true successor, began to take effect in African-Arab relations. A few weeks before the 1973 OAU Summit, the Libyan leaders made serious accusations against the Ethiopian leaders and called for the boycotting of the summit. These acts of the Libyan leader ruffled some African feathers, but did not prevent any African country from attending. In spite of the political uproar created by Colonel Qaddafi's remarks, the 1973 OAU Summit proved to be the most important expression of African support for the Arab cause. The African Heads of States re-affirmed their previous position on the Middle East and stated that "respect for inalienable rights of Palestinian people is an essential element of any just and equitable solution of the Middle East Problem," but watered down the guarantee of the sovereignty, territorial integrity and independence of every state in the region embodied in resolution 242 of the United Nations Security Council. 51/

The 1973 resolution was taken partly because another Maghrebi Arab leader, the late President Houari Boumediene, appealed to the African conscience to see that the Palestinian people are in the same boat as those Africans living under settler rule in southern Africa. What Boumediene did was to kill two birds with one stone. Not only did he call upon African leaders to fulfill Nasser's political prophecy, a fact he himself might not have been aware of at the time, but he also took President Bourgiba's words at the celebrated Press Conference of 1968 to its logical conclusion. That is, according to the Algerian leader, "Africa cannot adopt one attitude towards colonialism in southern Africa and a completely different one towards Zionist colonization in northern Africa." 52/

The final acceptance by the African States of this Arab argument for Palestinian rights and the Arab cause in general became most evident in the statements and deeds of African leaders just before the October war. Early in 1973, President Mobutu Sese Seko of Zaire stated in a Press interview to Israel's continued occupation of African territories in the light of our African Policy and from loyalty to our African origins." 53/ This statement of President Mobutu was significant at the time, because he was generally regarded as one of the closest friends of Israel in Africa. This change of heart therefore, could be explained in terms of his vigorously promoted philosophy of authenticite,

a public policy which placed greater emphasis on the African origins of Zaireans. Indeed, one could argue that Mobutu's decision to give greater and more outspoken support to Egypt and the Arab cause was probably an extension of his domestic policy of authenticite.

This African feeling of solidarity with Egypt and the Arabs reached its highest point soon after the eruption of the October War of 1973. In retrospect, we can see that except for Guinea, none of the independent African States severed its ties with Israel between 1967 and 1971. It was only in 1972 that Uganda, Chad and Congo (Brazzaville) broke relations with the Jewish State; and these countries had domestic and international reasons for doing so. In the case of Uganda, President Amin's brief marriage with Israel turned sour and he quickly sent her diplomats packing to minimize the dangers he feared Israeli presence constituted to his regime. A similar fear of Israeli subversion motivated their sudden departure from Burundi, where an abortive coup was somehow linked to Israeli diplomats. The case of Chad has been attributed to the successful diplomacy of King Faisal, whose aggressive policy of moderation and of Islamic solidarity lured President Tombalbaye into the Arab camp. Some commentators have suggested also that Colonel Qaddafi's generous offer of aid to the impoverished Republic of Chad tilted the balance in favour of the Arabs. 54/

Regardless of the factors which motivated the particular African leaders, the fact still remains that between January 4, 1973 and New Year's Eve of 1974, 25 African States had broken diplomatic relations with Israel. In 1974, only four African States did not do so. These were Lesotho, Malawi, Swaziland and Mauritius. As pointed out earlier, in our discussion of black African states voting patterns at the UN on issues relating to the Middle East, the small countries of Lesotho and Swaziland were among the geopolitical hostages of South Africa whose decisions could not but reflect South Africa's interest in maintaining an Israeli-Afrikaner axis. Mauritius' case is also based on domestic considerations. At the time of the severing of ties with Israel, the Mauritian government faced economic and political problems which delayed its action on the matter. It was also believed that the government was very much inhibited by its close economic ties with both Israel and South Africa.

Since the breaking of diplomatic relations by the African States, the Arabs have continued to score more and more psychological and moral victories in the United Nations and OAU Conferences. African and Arab states have developed greater solidarity and new avenues of cooperation began to emerge. One such avenue was the Afro-Arab Summit of March, 1977, held in Cairo, Egypt. At that meeting the Arab states offered to provide about 2 billion dollars to facilitate African development. Prior to this first meeting of Arab and African leaders, the African states, working within the framework of their own Organization of African Unity, had called upon the Arab States to use their oil weapon against Africa's enemy in the White redoubt in southern Africa. This African request was accepted by the Arab leaders at their Algiers Summit of Arab Heads of States in November, 1973.

Another area of Arab success in pushing the Arab cause and the Palestinian question is at the UN. According to a recent study on the United Nations and the rights of the Palestinians, "1974 marked the beginning of a new phase of the UN's approach to the Palestine Problem, since the Organization reassumed responsibility for the present realities prevailing in the Middle East by virtue of its own 1947 decision to partition Palestine and to create a Jewish State therein." 55/ This new phase is due to two major developments in international affairs. First of all, the growing power and wealth of Arab oil-producing countries enabled the Arabs to impose an oil embargo in 1973/74 under King Faisal's leadership. Secondly, the changing fortunes of Israel in Africa raised the Arab diplomatic stocks in international conferences.

A clear indication of Third World and African support for the Arab and Palestinian cause was the adoption of UN General Assembly resolution 3236 (XXIX) of November 22, 1974. This resolution once again put the Palestinian question in the mainstream of global diplomatic thought, granted observer status to the Palestine Liberation Organization (PLO) and invited it, as the legitimate representative of the Palestinian people, to participate in the sessions, conferences and work of all organs of the UN. 56/ As a result of the above-mentioned resolution, the Palestine issue has now come to permeate all major UN General Assembly Committees (with the exception of the legal committee), subsidiary committees, and commissions as well as agencies. 57/

Another major landmark in the history of African attitudes and opinions on the Middle East question, was the UN resolution which equated Zionism with racism. 58/ This was a major breakthrough for Arab diplomacy. It was indeed the culmination of a series of victories which dated back to the 1966 Tricontinental Conference in Havana where the most sweeping resolution against Israel was ever taken by a non-Arab body. The resolution on Zionism could also be traced back to a UN debate on anti-semitism. What led to such a debate was a UN General Assembly decision in November, 1963 requesting that priority be given to the preparation of a convention on the Elimination of All Forms of Racial Discrimination. 59/ Responding to this General Assembly's request, the UN Commission on Human Rights, at its 1964 Session, adopted a Preamble and Seven operative articles, on the basis of a preliminary draft prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. During that session, the debate over anti-semitism erupted. It started immediately after the US delegate, responding to the speech of a representative of a Jewish organization, proposed to include in the Convention a new article condemning anti-semitism. This proposal was followed by a Soviet amendment to the effect that Nazism, Neo-Nazism and all other forms of discrimination be similarly condemned. When the proceedings of the Commission were passed on to the General Assembly via the Economic and Social Council (ECOSOC), the matter came to the attention of the Third Committee of the General Assembly. During this session of the Third Committee, the Soviet Union included Zionism in its list of forms of racial discrimination. This was seriously contested by the Israeli delegate; but when the matter was finally resolved, a compromised

resolution, submitted by Greece and Hungary and deleted of any specific references, carried the day with a roll-call vote of 80 in favor, to 7. 60/ In retrospect, one can argue that the Soviet amendment at the Third Committee's Session was a prologue to the drama that was played out seven years later at the UN. It was a significant amendment because it undermined the Israeli attempt at convincing the UN membership of the validity of their claims that anti-semitism is indeed a form of discrimination. 61/

Since 1967, one can argue, the African countries have gradually drifted towards a pro-Arab policy at the OAU and at the United Nations. Though these African states seem to have been more cautious in their own councils than at other international forums, there is evidence to show that African states contributed in the post 1973 period, to the passage of many UN resolutions favorable to the Arab cause. Two classic examples would suffice here. The first was the passage of General Assembly resolution 2443 (XXIII) of 19 December, 1968, which established the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the population of the occupied territories. This Committee, consisting of 3 member states, was told, among other things, to conduct a research and fact-finding on the issues involved. 62/ The Secretary General of the United Nations was asked to provide the Special Committee with all necessary facilities and the State of Israel was called upon to cooperate. The first two countries to represent Africa in this Committee were Somalia and Senegal. The former later opted out because of an apparent conflict of interests, when she got admitted into the Arab League. Since its inception this Committee has had an African member, and one can only expect its Afro-Asian members to use it as another Third World instrument of policy in the Middle East.

The Second Special Committee which resulted from the greater expression of solidarity between the Arab and African states, is the UN Special Committee on the Inalienable Rights of the Palestinian People. Founded some five years ago, this Committee has played an important role in the promotion of wider understanding of the Palestinian cause. Its first Chairman, a Senegalese, did not only pursue his task with great seriousness, but he also made sure that the decisions taken by his Committee are understood and supported by the UN General Assembly and all other organs which are responsive to the interest of the Afro-Asian States. For example, at their Committee's 23rd meeting on 9 August, 1977, the members decided that the UN issue a series of commemorative stamps relating to the question of Palestinian rights. 63/ Not only did he push for the adoption of this idea of a commemorative stamp, he also sought the cooperation of other Third World organizations to help get the idea across to the governments of the world.

In concluding this Section of the paper, I would argue that Arab diplomatic successes at the UN were not only due to the changing times at the UN, but also because a community of interests between Arabs and Africans was beginning to develop. Africans have their southern African settler problem and Arabs too feel that Israel is their latter-day South Africa that deserves condemnation and containment. 64/ Arab success could also be attributed to their new affluence, especially those oil-producing countries, and their greater coordination of foreign policy. The best indication of this new sense of Arab power and unity was the 1973/74 oil embargo against the Western friends of Israel. Viewed in this light, one can therefore, argue that the UN victories

of the Arabs were the reflections of the changing self-image of the Arab on the mirror of the international community. It was also due to this development that UN Ambassador Patrick Moynihan, a pro-Israeli U.S. diplomat, felt uncomfortable in the midst of his Third World colleagues; 65/ it was also in response to these changing times at the UN that Israel's UN Ambassador Haim Herzog, dismissed the world body as a "World Centre of anti-semitic prejudice." 66/

C. The Development of Islamic Solidarity and African Attitudes and Opinions on Palestine.

Although the starting point of the present Muslim Risorgimento and the creation of an intra-Islamic organization goes back to 1926, when for the first time in history an Islamic congress was held in Cairo, and to 1931, when Muslims meeting in Jerusalem, committed themselves to the defence of Arab Palestine and to the holy city of Jerusalem, the fact remains that the institutionalization of the concept of global Islamic solidarity became a reality only in the late sixties and early 1970s of this century. 67/ As pointed out earlier, the idea was attractive to the Saudi leadership of King Faisal. He did not only lend it full support but also used it to bolster his family's prestige and power in the Islamic world. In our present case, we can argue that King Faisal's single-handed promotion of the idea not only gave concrete form to an idea long weakened by fratricidal bickerings, but also rekindled the fire of Islamic solidarity among many African Muslim leaders whose secularistic path to power had taught them to play down religion in both domestic and international affairs.

Indeed, one could take the 1972 African tour of King Faisal of Saudi Arabia as the beginning of the re-islamization of those African countries whose voting record at the UN did not show any strong feeling for the Arab cause. As we have seen above, the states of Gambia, Chad, Niger, Cameroon, Gabon and Upper Volta were not consistently pro-Arab in the period studied by the researchers mentioned in the previous section of this paper. Following King Faisal's visit to Uganda, Chad, Niger and Senegal, a gradual shift became evident. Though in the late 1960s, President Milton Obote's Uganda had voted with the first cluster of pro-Arab African group at the UN, by 1972 she became much closer to the Arabs, following President Idi Amin's brief honeymoon with the Israelis. President Idi Amin indeed made history when he obtained membership for his predominantly Christian country in the Organization of the Islamic Conference. Niger, Cameroon and Upper Volta, with large Muslim populations, soon after Faisal's visit to their region, began to take active part in Islamic Conferences. Senegal, whose political leadership is quite aware of the long-standing power and influence of the Islamic brotherhoods in their country, 68/ had started to participate in Islamic Conferences much earlier, and her active and effective role in Islamic politics was until recently, best symbolized by the presence of her former Foreign Minister, Dr. Amadou Karim Gaye, in the Islamic Secretariat where he was Secretary-General for many years.

The small republic of the Gambia was one of The latecomers in this rank of African Muslim States seeking membership in the Organization of Islamic Conference. It all started in the early 1970s when President Jawara decided to attend the Lahore Conference of Muslim Heads of States and Governments. This Conference was well attended by representatives from radical as well as moderate Muslim African states. Although one could say that the radical African states of Mali, and Guinea were already supporting the Arab cause and that Islam was not a factor in their voting at the UN, the fact remains that the 1970s witnessed not only the emergence of a greater sense of Islamic solidarity among African and Arab Muslim states, but also an unusual but cautious alignment between global radicalism and Islamic militancy. The numerous resolutions adopted by the annual Islamic Foreign Ministers Conferences have clearly demonstrated the Muslim concern for Palestine. The establishment of a Fund for Jerusalem by the OIC testified to its commitment. 69/

It is indeed, against such a background that one could understand the sweeping changes in African voting patterns at the OAU, the UN, the OIC, and other international forums. Viewed in this context, one could say that the Palestinian issue is now receiving greater world attention because the issue is now identified with the interests of diverse political groups in the world. The Muslim Groups are willing to give support to the Palestinian cause largely because Jerusalem is considered top priority in their scheme of things. Unwilling to accept the total annexation and judaization of the holy city, and committed to transfer the headquarters of their organization from Jeddah in Saudi Arabia to Jerusalem in present day Israel, the members of the OIC, be they Arab or non-Arab, have now developed emotional and political interests in a matter previously relegated to the province of secular politics. 70/

Another point to be noted is that the Palestinian cause has consistently been supported by Third World radicals and also recently by communist states. This expression of support is in some cases linked to expression of Islamic solidarity. A classic example in recent African history is the case of the former Portuguese colony, Guinea-Bissau. 71/ Although this African state does not have a Muslim majority in her population, and inspite of her previous commitment to Third World radical support of the Palestinian cause, her leaders have found it politically useful to marry Islamic solidarity with African radicalism in their Middle Eastern policy. At the risk of being rash, I would say that Guinea-Bissau's success in wringing out financial aid and concessions from her Arab friends in the Organization of Islamic Conference is a testimony to the fact that Third World radicalism has now developed in the Middle East a common cause even with the conservative Muslim states. This in a significant way is the partial fulfilment of Nasser's old dream of welding together the variegated psychological and material elements contained in his celebrated three concentric circles. 72/

Conclusion

This study has traced the history of the evolution and development of African opinions and attitudes towards the Middle Eastern problem in general and the Palestinian problem in particular. What emerges out of this study is that African opinions and attitudes changed gradually through time. The first decade of African independence revealed African ambivalence towards the crisis, and for this and other related reasons, Israel was able to capitalize on it and successfully outmanoeuvred her Arab rivals. Related to the above point is the fact that up till 1967, African leaders accepted Israel as an underdog. But the lightening speed at which Israel defeated the Arab armies and the fact that she refused to withdraw from occupied Arab lands combine to change Africa's perceptions of Israel. Again, Israel lost out to the Arabs in the diplomatic ball game because of her growing ties with South Africa and the series of indiscretions committed by Israel in her relations with various African leaders and states.

In concluding this paper, one must state that the 1969 burning of the Al Aqsa Mosque in Jerusalem exposed one of the political Archilles heels of Israel to the sharp lances of Islamic solidarity. This incident did not only provoke Muslim militants abroad, but it also provided the anti-Israel Arab propagandists the opportunity to rally around their banner those Muslim states whose leaders have for long taken it for granted that religion should be in the back-burner of international politics.

Israel, I would conclude, was inevitably bound to suffer the blows of Third World radicalism and of Islamic solidarity, largely because her 1967 victory over the Arabs made it very difficult for Africans to continue their flirtations with her. In the face of Israeli occupation of Egyptian land in Sinai, Africa could not but sever her ties with her. Africa's commitment to the principles of territorial sovereignty and of fraternal solidarity with Egypt made it virtually impossible for Israel to continue her diplomatic venture, in the continent. Last but not least, one could also conclude that Israel's diplomatic setback in Africa was due to the growing belief in African circles that the Zionist is no different from the Boer custodian of apartheid

FOOTNOTES

1. See Gamal Abdul Nasser, The Philosophy of the Revolution (Buffalo, New York: Economic Books, 1959)
2. For some discussion on Egypt's African Circle, See Peter Mansfield, Nasser's Egypt (Middlesex, England: Penguin Books Ltd, 1965), Chapter 6.
3. John Hatch, A History of Post-War Africa (London: Andre Dentsch, 1965), p.363.
4. Farouk A Sankari, "Afro-Asian Policies and the Middle East," Journal of the Middle East (The Middle East Research Centre, Ain Shams University, Egypt), Vol.4, 1977, p.81
5. Ali A. Mazrui, Pax Africana (Chicago, Illinois: University of Chicago Press, 1967); Colin Legum, "The Growth of Africa's Foreign Policy: From Illusion to Reality," in Robert K. A Gardiner, M.J. Anstee and C.L. Patterson, Africa and the World (Addis Ababa: Oxford University Press, 1970), pp.48-65.
6. Thomas Hovett, Jr. Africa in the United Nations (London: Faber & Faber, 1963); Vernon Mckary, Africa in World Politics (New York: Harper & Row publishers, 1963), especially Chapter 2.
7. Elliott Skinner, "Diplomatic Relations Between the African States and Israel," in Sulayman S. Nyang, (edited), Seminar Papers on African Studies (Washington, D.C.: African Studies and Research Program, Howard University, 1974), pp.141-2.
8. See Ehud Avriel's memoirs entitled, "Some Minute Circumstances," The Jerusalem Quarterly, No.14 (Winter, 1980), p.28.
9. Israeli Propagandists in Africa used to remind the Africans that Theodor Herzl, the Zionist founding father, saw the solution of the Blackman's Problem as the next challenge to Jews immediately after the resolution of the Jewish question.
10. Farouk A. Sankari, op. cit, p.82
11. Arnold Rivkin, Africa and the West (London: Thomas and Hudson, 1962), chapter 5

12. For an examination of this view and its implications for the Palestinian question, see Johan Galtung, "Conflict Theory and the Palestinian Problem," Journal of Palestine Studies, Vol.2, No.2, p.36 ff.
13. See Adeoye Akinsanya, "The Afro-Arab Alliance: A Dream or Reality," Lagos Notes and Record, Vol. VI, 1977, pp 29-30
14. See Mordecai E. Kreinin, Israel and Africa: A Study in Technical Cooperation (New York: Frederick Praeger, 1965) especially Chapter 1 where Political and Economic reasons for Africa's decision to have ties with Israel are given. See also S.S. Nyang, "Israel and the African States," A Paper presented at the African Heritage Studies Association, New York (April, 1974)
15. Mordecai E. Kreinin, op. cit,
16. S.S. Nyang, op.cit; Mohamed A. El-Khawwas, "Africa and the Middle Eastern Crisis," A Paper presented at the African Heritage Studies Association, New York, (April, 1974)
17. Masada was a small fortress in Palestine where the Jewish nationalists put up a fierce struggle against Roman imperialism. It became a symbol of resistance to the leaders of the Zionist movement in recent times. For some discussion on the Messianic idea in Judaism, see Gershon Scholem, "The Messianic Idea in Judaism," (New York: Schocken Books, 1978 edn).
18. For some discussion on the various Political Groupings in Africa, see A. Ajala, Pan-Africanism (London: Andre Deutsch, 1974); Vernon McKay, op.cit, Chapters 6 & 7.
19. For the resolution taken by the Casablanca Group, see Ajala, op. cit, pp.354-5.
20. Ali A. Mazru has been one of the few commentators on African affairs who see Islam as a radicalizing factor in African Politics and economic policies. See his chapter "Islam and Radicalism in African Politics," in his Political Values and the Educated Class in Africa (Berkley & Los Angeles: University of California Press, 1978), pp.134-152.
21. For discussion on Arab diplomacy, see Boutros Ghali-Boutros' "Arab Diplomacy: Failures and Successes," in George N. Atiyeh (ed), Arab and American Cultures (Washington, D.C.: American Enterprise Institute, 1977), pp.221-236. See also his comments on Dr. Khalid Monsour's paper in the same volume.
22. Akinsanya, op. cit, p. 39

23. Quoted by Tareq Ismael, The UAR Policy in Africa; Egypt's Policy under Nasser (Evanston, Illinois: Northwestern University Press, 1971), p.69
24. For discussion on Saudi/Egyptian rivalry, see A.I. Dawisha, Egypt in the Arab World; The Elements of Foreign Policy (New York: John Wiley & Sons, 1976). Chapter 4.
25. Farouk A. Sankari, op. cit, pp.84-85
26. President Toure made his broadcast of support over Radio Conakry, in May, 1967.
27. This resolution was taken at the Tricontinental Conference in Havana, in 1966.
28. Ibid.
29. Ali A Mazrui, Africa's International Relations: The Diplomacy of Dependency and Change (Boulder, Colorado: Westview Press; London: Heinemann, 1977), p.139.
30. Ibid, p.139
31. Ibid, p. 140
32. Ibid,
33. Ibid,
34. For the 1967/68 OAU Resolutions, see The Resolutions of the Heads of State and Government of the OAU, OAU Secretariat, Addis Ababa, Ethiopia.
35. For some discussion of the efforts of President Habib Bourgiba to settle the Middle East question, see Samuel Merlin, The Search for Peace in the Middle East; The Story of President Habib Bourgiba's Campaign for a Negotiated Peace Between Israel and the Arab States (New York: Thomas Yoseloff, 1968).
36. Following his abortive efforts at resolving the Middle East Problem, President Bourgiba made a shift in favor of the Palestinians. For this new position, see his New Conference Remarks, Carthage, April 26, 1968.
37. Ibid.
38. See Joint Communique on the Mauretanian President Ould-Daddah's visit to Syria, Al-Thaura (Damascus), 13/11/1968.
39. Ibid
40. Ibid

41. For the African attitudes and opinions, see OAU resolutions for 1967/73
42. See Ran Kochan, Susan Aurelia Gitelson and Ephraim Dubek, "Black African UN Voting Behaviour on the Middle East conflict" The Jerusalem Journal of International Relations (The Hebrew University of Jerusalem), Vol.1, No.2 (Winter, 1975), pp.21-52.
43. For some of the factors motivating Gambian leaders, see My "Gambia: A State in Search of Viability," Africana Marburgensia, Vol.VIII, 1975,
44. See the 1973 OAU Resolutions taken at Rabat.
45. For some discussion of the OAU Mediation Effort, see Yassin El-Ayouty, The Organization of African Unity After Ten Years; Comparative Perspectives (New York: Praeger Publishers, 1975), Chapter 10.
46. Ibid
47. Dr. Amadou Karim Gaye's speech was made at the UN General Assembly in 1971. He was selected to speak for his President who served as chairman of the OAU Mission to Egypt and Israel.
48. Ibid
49. Akinsanya, op.cit, p.39
50. The information on the Islamic Solidarity drive in Africa is based to some extent, on my experience and observations as a Senior African diplomat in the Middle East.
51. Akinsanya, op. cit, p.40
52. See A. Ajala, op. cit, p.312
53. Press Interview Statements by President Mobutu of Zaire outlining his attitude concerning relations with Israel. Originally published in Al-Ahram, Cairo, March 9, 1973,p.4
54. See Victor T. Levine and Timothy W. Luke, The Arab-African Connections: Political and Economic Realities (Boulder, Colorado: Westview Press, 1979), pp 12-3
55. Regina Sharif, "The United Nations and Palestinian Rights, 1974-1979," Journal of Palestine Studies, Vol. 1X, No.1 (Autumn, 1979)
56. P.L.O. participation in the UN Regional Commission for West Asia has Provoked many international legal thinkers to write critically about it. See, for example, Theodor Meron's, "The Composition of the UN Regional Economic Commissions and P.L.O.," The International and Comparative Law

Quarterly, Vol 28, Part 1. (Jan, 1979), 4th Series, pp.52-64

57. For a Palestinian Perspective, see Regina Sharif, op. cit.; for an Israeli Perspective, see Valentine J. Belfiglio, "The United Nations and the Question of Palestine," International Problems (Israel), Vol XLV, Nos. 3-4, Fall, 1975.
58. For an Israeli Perspective on the November 10, 1975 Vote on Zionism, see Abba Eban, "Israel, Antisemitism and the United Nations," The Jerusalem Quarterly, Fall, 1976, pp.110-120.
59. N. Lerner, "Debate on Anti-Semitism and Zionism in the Third Committee of the UN General Assembly," International Problems, Jan-June, 1966, Vol.IV, Nos 1-2, pp.56-64; Roberta Cohen, "The Discussion on Anti-Semitism in the UN Human Rights Commission," International Problems, Vol.V, Nos.1-2, April 1967.
60. It should be noted that Ivory Coast abstained at this meeting on the grounds that Nazism, the major cause of World War Two, was not singled out for special condemnation.
61. Arab delegates have consistently opposed Israel's efforts to get anti-semitism condemned as one major form of discrimination. One of the Arab points is that they too are semites and must not be called anti-semitic by Israel.
62. For a critical analysis of such fact-finding bodies of the UN system, see Thomas M. Franck and H. Scott Fairley, "Procedural Due Process in Human Rights Fact-Finding by International Agencies," American Journal of International Law, Vol.74, No.2 (April, 1980), pp.308-345.
63. For details, see the reports of the UN Special Committee on the Inalienable Rights of the Palestine People, UN Secretariat, New York.
64. For some Polemical and scholarly treatment of Zionism as colonialism and racism, see Fayez A. Sayegh, Zionist Colonialism in Palestine (Beirut, Lebanon: Palestine Liberation Organization, September, 1965); Maxine Rodinson, "Israel and the Arabs," in Alan R. Taylor and Richard N Tettle, (ed), Palestine: A Search for Truth, (Washington, D.C.: Public Affairs Press, 1970), pp.130-153; see also the volume on Zionism and Racism (Proceedings of an international symposium held in Tripoli, Libya). Published by North American Inc., New Brunswick, New Jersey, 1979.

65. See Daniel Patrick Moynihan's "The United States in Opposition," Commentary, Vol.59, No.3 (March 1975), pp.31-44. For a rebuttal from a Third World Diplomat, see "Moynihan at the United Nations," Third World Quarterly, Vol.2, No.3 (July, 1980), pp.520-521.
66. Israel's UN Ambassador Chaim Herzog, speaking before the General Assembly (see UN Doc. A/7V.2423, pp.46-47), described the World body as a "World Centre of Anti-Semitic Prejudice," quoted in Regina Sharif, op.cit,
67. For some discussion of Arab-islamic influence in Africa, See L. Kropacek, "The Influence of Islam and Arab Thought on Africa South of the Sahara Today," A Paper presented at a conference held by the Czechosloviakian Society for Eastern Studies, 1969 (Inter-Relations in Asia and Africa") The Proceedings were published by the Czechoslovakian Academy of Science, 1970); See also Tareq Ismael, "Religion and UAR African Policy," Journal of Modern African Studies, Vol.6, No.1, (1968), pp.49-57.
68. Lucy Behrman, Muslim Brotherhoods and Politics in Senegal, (Cambridge, Mass: Harvard University Press, 1970).
69. For samples of these resolutions, see The Resolutions of The Islamic Foreign Ministers Conferences, Islamic Secretariat, Jeddah, Saudi Arabia.
70. For the Muslim view of Jerusalem, see A.L. Tibawi, "Jerusalem: Its Place in Islam and Arab History," in Ibrahim Abu-Lughod, (ed). The Arab-Israeli Conflict of June, 1967: An Arab Perspective (Evanston, Illinois: Northwestern University Press, 1970), pp.10-38
71. For Guinea-Bissau's Middle East Policy, see Africa Contemporary Record, Annual Surveys and Documents. 1978-1979. (New York: Africana Publishing Co., 1979).
72. I do not intend to state here that Nasser's foreign policy for Egypt, especially with regard to Israel, has worked out. In fact, ironically, the present alliance between Third World radicalism and Islamic militancy has resulted in the isolation of Egypt from what Nasser called the Arab and Islamic circles.

PALESTINIAN HUMAN RIGHTS IN THE CONTEXT OF
THE HISTORICAL DEVELOPMENT OF
THE ZIONIST MOVEMENT

James Zogby

I. THE ZIONIST MOVEMENT AND THE ORIGIN OF THE STATE OF ISRAEL

1. Introduction

Violations of human rights of a people cannot adequately be understood unless viewed in the political and historical context in which they occur. Such violations do not occur in the abstract, but are a function of the political and social objectives of the agents that commit them.

Therefore, in assessing the cumulative effect (or the potential cumulative effect) of a particular régime's violations of rights, attention should be directed not only to the intensity of those violations as they occur in a particular period, or to the frequency with which specific violations occur. Special attention must also be given to the ultimate objective being pursued through the violation of rights.

Thus, as a study of Palestinian human rights is approached, it should be made clear from the outset that the question of Palestinian human rights cannot adequately be discussed simply in terms of numbers of political prisoners or as lists of acts of torture or as numbers of acres of land confiscated. This paper will, therefore, not merely catalogue the repression against the Palestinians living in the occupied lands. Rather, it will seek to understand them by attempting to place these acts in the political and historical context in which they occur.

* * *

This leads, at the outset, to an examination of the nature and intent of the agent responsible for the violation of Palestinian rights--the Zionist movement and its political embodiment, the State of Israel.

* * *

While some Israeli apologists today hesitate to use the term "settler colonialism" to describe their state, the founders and historical pillars of the Zionist movement were not so timid.

Political Zionism (as distinguished from "cultural" and "religious" Zionism) was a 19th century colonial movement of some European Jews whose dream was simply to found an exclusive Jewish colony in Palestine.

/...

Early Zionist thinkers waxed poetic as they described their historic mission to transform the "empty and desolate" Holy Land into a thriving refuge, which would make possible the ingathering of the world's Jewry. Zionism was their dream--the national liberation movement of the Jews.

In the words of Israel Zangwill, and of the founders of this movement, it was a movement begun by "a people without a land" in search of "a land without a people".

Their "vision", however, was only partially accurate, for while it was true that their colonial movement had no land, the land they "found", did in fact have a people. In the early period (at the end of the nineteenth century), when the Zionist movement set its sights on Palestine, it was populated by approximately 550,000 Arabs.

The existence of the Arab in Palestine once recognized presented no small problem to the hopeful colonizers. The Zionist solution to this "problem", as we shall see below, was to plan for the evacuation of the Arabs from Palestine. But the presence of the Arab--this "spoiler" of their dream of conquering and colonizing Palestine was to haunt both the Zionist founders and their descendants. In a very revealing study, A Psychohistory of Zionism, Jay Gonen summarizes the views of a number of major Zionist thinkers as they address the "Arab problem" and he concludes that in the main their attitude toward the Arab was to fantasize:

Would it not be wonderful if Palestine, the game reserve for the Jews, were free of an Arab problem the way the game reserve for animals in South Africa is? The underlying feeling tone seems to be for the Arabs to go away, for the Arab question to disappear. One must build a protective shelter around one's ardent beliefs, for if one were to listen to the Arab problem and all the other problems, one might give up the whole project. Thus it is better to ignore certain unpleasant facts. Maybe they will go away, as one continues to realize one's dreams. 2/

To be sure, there were early Zionists like Ahad Ha'am who spoke of the "great mistake" of ignoring or attempting to displace or encroach on the Arab "natives".

But visionaries like Ha'am lost out to the more powerful leaders of political Zionism like Chaim Weizman and Zeev Jabotinsky who, though they were in disagreement in some areas, were in agreement that the troublesome Arab should not be allowed to be an obstacle to the Zionist colonial venture. For them, the solution to the "Arab problem" was merely a question of establishing sufficient force to still the Arab and secure their goal. Jabotinsky, for example, wrote of this in an essay entitled The Iron Law (1925):

If you wish to colonize a land in which people are already living, you must provide a garrison for the land, or find a benefactor who will maintain the garrison on your behalf ... Zionism is a colonizing adventure and, therefore, it stands or falls on the question of armed force. 3/

It was this troublesome fact--that Palestine already had a people--that turned the "dream" of this so-called "Jewish national liberation movement" of Zionism into a nightmare of colonial repression for the native Arabs of Palestine. For given this contradiction, fulfillment of the Zionist "dream" in Palestine could only be realized by the displacement and/or expulsion of the native Arab population. And this was, as we shall see, the task the Zionist organization set out to accomplish.

Thus while the language of Political Zionism spoke of "the dream of an independent Jewish nation" and "the vision of a redeemed Jewish people"--this "dream" and "vision" were not intended for the native Arabs. For them, the reality of Zionism, as they experienced it, was quite another matter.

* * *

2. The Colonial Designs of Zionism

Political Zionism, as a movement, developed in Europe in the midst of the epoch of the imperialist conquest of Africa and Asia, and its ideology clearly reflects this period. 4/ It sought to convert and recruit the Jewish people of Europe to support a movement that would colonize and settle Palestine.

From the outset, its plan was to establish an European Jewish colony--that would bring civilization to the "savage" world. The European Jewry who were to be the "bearers of this civilization" were, in the words of Max Nordau (one of Zionism's founders),

a people more industrious and more able even than the average European, not to speak at all of the inert Africans. 5/

While the founders of this movement shared with their European contemporaries a racist contempt for the rights of the peoples of Asia and Africa, and while they had the will to establish a colony in either of these two continents, they lacked the means to accomplish this end. Thus, after having agreed in 1898 that they would seek to gain hold of Palestine, in order to gain possession of this land, Zionism had to seek out each of the European imperialist powers of the day, in search of patronage that would support its plan. Toward this end, Theodore Hertzl, the founder of the Zionist Organization, courted in turn, the Ottoman Sultan, Bismark and the German Kaiser, and even the Russian Czar. 6/

When it became clear, however, that Great Britain would have the dominant hand in international affairs, the Zionists concentrated their efforts on winning British support for their colonial scheme. Hertzl wrote to the British colonialist Cecil Rhodes, whom he termed the "colonial expert" (because of his efforts in colonizing south and east Africa), seeking both his advice and his seal of approval. 7/ He felt that with Rhodes' approval he would be better able to convince Great Britain to support his movement.

/...

The British, however, needed very little convincing. They had designs of their own on Palestine and had as early as the middle of the 19th century recognized the potential role that Jewish colonization could play in the fulfillment of their Middle East ambitions. They, therefore, became willing patrons of the Zionist movement. Speaking on this subject in 1876, Lord Shaftesbury addressed his colleagues in Parliament:

Syria and Palestine will before long become very important ... The country wants capital and population. The Jews can give it both. And has not England a special interest in promoting such restoration? It would be a blow to England if either of her two rivals should get hold of Syria ... Does not policy there ... exhort England to foster the nationality of the Jews and aid them to return ... to England then naturally, belongs the role of favoring the settlement of Jews in Palestine. 8/

A more straight-forward summary of the British Imperial design for the Arab East was given in 1914 by the prominent and influential military-political editor of the Manchester Guardian. In an essay on the "Palestine question", he concluded:

That on general strategic grounds it is exceedingly desirable that the present too contracted frontiers of Egypt should be extended ... that a buffer-state in Southern Syria might be expected to work with equal effectiveness as in India, and with greater smoothness ... and that if this buffer-state became a dominion or genuine colony it would be a source of great strength to us in the Eastern Mediterranean, both political and ultimately military; and finally, that the only possible colonizers on a great and worthy scale in Palestine are the Jews. 9/

Thus the fit between the British and Zionist designs was so perfect that Max Nordau commented that if Political Zionism hadn't existed, "Britain would've invented it." 10/

* * *

The term "colonialism" is used to describe the policy of several of the European imperial powers of this period to conquer, and then administer and exploit foreign lands and people. In a few instances large colonial settlements (of Europeans) were established by these powers and then utilized as the instruments of conquest and administration. This was the case, for example, in the French colony in Algeria, and Cecil Rhodes' African colonies. This form of "colonialism" is termed "settler colonialism" in order to distinguish it from the more typical form of "colonialism" found for example, in the late 19th and early 20th century British rule of Egypt and India, areas where large settlements of civilians were not used to maintain control.

/...

The Zionist colonial scheme in Palestine is a unique form of "settler colonialism". This is so for one significant reason. While the British wanted control of Palestine, and the Zionist movement was to be their agent--the Zionists did not wish to merely administer the colony and exploit the native people of Palestine. They sought to replace them.

Thus, given this intention, from the very outset of this movement the question was asked--What to do with the Arabs of Palestine?

The British idea, in keeping with their three century old imperial tradition, was to simply move in ignoring the wishes of the native people, and, if necessary, to repress them. Lord Balfour, the author of the infamous declaration that formally pledged British support for the Zionist colonies, wrote that:

In Palestine we do not propose even to go through the form of consulting its inhabitants as to their wishes--Zionism ... is of far greater importance ... than the desire and prejudices of the 700,000 Arabs who now inhabit that ancient land. 11/

Herbert Sidebotham, waxing more philosophical, expressed the same thought this way:

It is a false view of democratic principles which holds that because a race or nation happens to occupy a certain territory that that territory is its own for all time. Nor has any race the absolute right to determine its own future at the expense of some other race which may have more to give to the world. 12/

All of this suited the Zionist founders well. When they finally acknowledged the presence of a large Arab community in Palestine, Hertzl and Nordau never envisioned their "pure race" co-existing with what they identified as those "near savages". They might be used for a short time as beast of burden. Hertzl wrote in his Diary that

if we move into a region where there are wild animals to which the Jews are not accustomed, for example, big snakes, I shall use the natives to exterminate them. 13/

Then he adds that with that job done, the natives would be evacuated to nearby countries. 14/

That their colony be exclusively Jewish--in the words of Israel Zangwill, one of Hertzl's colleagues, "as Jewish as England is English"--was important to the Zionists not only for their own designs. It also described the role they envisioned that their colony would play in the world order. One of Hertzl's pledges to the imperialist powers in his manifesto The Jewish State was that he would ensure that his colony would be

/...

a rampart of Europe against Asia ... an outpost of civilization against barbarism. 15/

This theme occurs with great frequency in the writings of early Zionist thinkers. For Moses Hess, a "socialist" and "Zionist idealist", Zionism was to be the "civilizing agent" that would extend European commerce and know-how to the East. 16/ For Max Nordau, Zionism would extend the "moral borders of Europe to the Euphrates". 17/

Žobotinsky saw it natural that the Jew perform this function since he viewed the Jew as a "European race" and Zionism as an expression of "the cultural might of Europe".

In every East-West conflict, we will always be on the side of the West, for the West has represented a more superior culture than the East over the last 1,000 years ... and today we are the most prominent and loyal bearers of the culture ... our interest lies in expanding the British Empire even further than intended by the British themselves. 18/

For the leaders of the Zionist movement, it was important that this role for their "colony" be projected--so that it would remain defended by the West. Thus, in the midst of the 1936 Arab national strike in Palestine--when the Palestinian resistance against the Zionist-British efforts to displace them was at its peak--Weizman issued an appeal to the West. In his appeal he portrayed the conflict in Palestine in this way.

On the one side (the Arabs) the forces of destruction, the forces of the desert ... and on the other side (the Zionist) standing firm are the forces of civilization and building. It is the old war of the desert against civilization ... 19/

Thus, from its beginnings (and up to its present), the Political Zionist movement had within it clear racist and colonialist currents that are central to its goal to establish an exclusively Jewish state in Palestine.

* * *

It should be noted that this racialism was not just an abstract slogan of the Zionist founders. Rather, it was the very guiding principle that gave character and form to the Zionist organization and policy in Palestine. This is clearly demonstrated by the major institutional forms assumed by the Zionist colonizers during the early part of this century. The Zionist policies toward land and labor in Palestine was established by the Jewish Agency's Jewish National Fund (JNF). These policies were blatantly exclusivist. For example, the constitution of the JNF declares that:

/...

Land (in Palestine) is to be acquired as Jewish property ... and title taken to the lands is to be taken in the name of the Jewish National Fund, to the end that the same shall be held as the inalienable property of the Jewish people ...

The Agency shall promote agricultural colonization based on Jewish labor, and in all works or undertakings carried out or furthered by the agency, it shall be deemed a matter of principle that Jewish labor shall be employed. 20/

In the leases given to Jews who sought to establish themselves on this JNF-acquired land, the lessee is asked to assure the JNF that only Jewish labor will be employed on this land. Article 23 of the lease reads:

The lessee undertakes to execute all works connected with the cultivation of the holding only with Jewish labor. Failure to comply with this duty by the employment of non-Jewish labor shall render the lessee liable to the payment of a compensation of ten Palestinian pounds for each default. 21/

The lease further stipulates that if the lessee continues to violate the agreement and hires Arab labor, after having been warned, the land may be taken back by the JNF "without any compensation whatever".

This Zionist policy toward Arab labor was further developed along exclusivist lines by the so-called "socialist" Palestine Worker's Party (MAPAI) and the labor union it controlled "The Hebrew Workers' Union" (the HISTADRUT). Both of these organizations were exclusively Jewish and both fought bitterly during the British Mandate to displace Arab workers in Palestine. David Hacoben, a leader of MAPAI, in a speech before his party in November of 1969, discussed the role played by these Zionist "socialists" during the British Mandate and noted the lengths to which he and his comrades went in their fight against the Arabs. During the course of his speech he acknowledged that they:

refused Arabs membership in the Histadrut;

stood guard at orchards to prevent Arab workers from getting jobs there;

poured kerosene on Arab produce;

and even attacked Jewish women who bought goods in the Arab market.* 22/

*Other Zionist institutions during this period also functioned in this same way. A.S. Hoffman, a Chairman of the Israel Bank Leumi referred to these Mandate period tactics, in his annual report message for 1953. In it, he said,

... in order that the Jewish farmers might be able to sell their products it was necessary to initiate a campaign of persuasion--and sometimes even use force--to make the urban population buy the dearer Jewish agricultural products. (Quoted in The Economy of Israel, Alexander Rubin, London, 1960, p. 99).

/...

The purpose of these efforts, as well as those of the JNF (noted above), was simply to break the back of the native Arab economy and to foster the development of an independent Jewish economy at the expense of that of the Palestinian Arabs.* And, of course, the ultimate goal of these efforts was nothing more than to facilitate the fulfillment of the Zionist "dream" of an exclusive Jewish State.**

* * *

*An example of the impact that these anti-Arab policies had can be seen in the evidence given by George Mansour, a Palestinian labor leader, to the convened Peel Commission in 1937. Describing the labor situation of the Arabs, Mansour stated that

In 1935 1,000 workers in Jaffa were unemployed ... at the end of 1935 the number of unemployed in Jaffa reached 2,270. In 1937 the number of unemployed in Jaffa reached 4,000, in Haifa, 4,500, in Qalqilia and six neighboring villages 1,300, and in Bethlehem and Nazareth areas about 7,470 of the labor force was unemployed.

The two Zionist institutions noted above that were responsible for this work, the Histadrut and the Jewish Agency, are still today part of the backbone of the state of Israel.

**It should be emphasized here that there were some organizations of religious Zionist and anti-Zionist Jews in Palestine which repeatedly opposed the racism and exclusivist designs of their fellow colonists. One of these was the IHUD (the movement for Rapprochement between Arabs and Jews) founded by Prof. Judah Magnus. The IHUD counted amongst its important members Martin Buber. Though it was small in numbers it fought vigorously to defend Arab rights and to oppose the establishment of an exclusivist Jewish state. The Palestine Communist Party, which like the IHUD had both Arab and Jewish members, was the most significant anti-Zionist organization to which Jews in Palestine belonged.

The major anti-Zionist and democratic forces in the country were the progressive Arab organizations. They opposed the Zionist plan for a Jewish state and proposed instead a representative democratic government. They opposed unchecked increased Jewish immigration into the country and any continuation of the British Mandate. In no way could they be portrayed as anti-Jewish since it was not the Jewish religion or even Jewish people that they were opposed to--rather they fought the Zionist movement and its efforts to take control of their homeland.

/...

The "vision" of Zionism was to establish an exclusive Jewish state in Palestine. In this "vision" the Arab people native to Palestine were, at best, a nuisance. They were called "Red Indians" and were, like their namesakes, to be removed from the country of their birth and it was through the two Zionist institutional forms, discussed above, that this Zionist dream was to be realized.

3. The Destruction of the Palestinian Revolt

The Palestinians, however, did not accept the fate of losing their homeland. Like the native American Indians they rose up, time and again, in rebellion against this Zionist scheme. During the period of the British Mandate (1919-1948) these Palestinian efforts both to terminate the Mandate and frustrate the Zionist plans for their country culminated in their tremendous revolt of 1936-1939. This revolt saw them liberate and administer almost 80% of their Palestine. It was only ended in 1939 by the massive injection into the country of one-third of the British standing army, combined with the indiscriminate use of the Royal Air Force. In their effort to subdue the Arab revolt the British also organized and armed the Zionist settlers into what were called "Night Squads".* Over 50,000 Zionists were given military training during this period,

*It should be pointed out that it was not only this "force" that finally brought an end to the Palestinian revolt. Two other factors were of great importance to the British in their efforts to end this revolt. To put them quite bluntly, they were: British duplicity and the stupidity of the pro-British Arab kings of Jordan, Iraq and Saudi Arabia.

In an effort to diffuse the Arab revolt, in 1939 the British issued a pledge to the Palestinians (it was called the MacDonald White Paper). In this "pledge" the British promised to support a number of the Arabs' demands, in particular: to limit Zionist immigration into Palestine, and to guarantee that it was not their intention that Palestine would ever become a Jewish state. These pledges confused and divided the Palestinian national movement. In particular, some elements of the bourgeois and traditional leadership of the Palestine population wanted to believe the British assurances and hence worked to help end the revolt. The British client kings (who depended on British support) worked to gain support for an end to the revolt and a disarming of the fighters.

These two factors combined to help break the unified Palestinian national will to fight for their cause until victory. With the will of a section of the movement thus weakened, the ability of the superior British force was greatly enhanced. And, in the end, it was decisive.

/...

and in the face of this overwhelming force the Palestinian revolt was before long crushed. 23/ The Arab casualty toll was devastating--19,000 dead or wounded. 24/ The British used other weapons against the Palestinians during this period. They placed the entire population under a brutal Emergency Military Administration. Under this Administration the Palestinians were deprived of all of their civil rights. As a result of these measures they lost their national leadership. In 1938 alone over 5,600 Arabs were imprisoned and detained without trial, while another 200 were sent into exile. (Also in this year 54 Arabs were hung.) In addition, these Emergency Laws provided for collective punishments of civilians (illegal according to the "Geneva Conventions" on the conduct of war) and property confiscation--as a result of these provisions hundreds of Arab homes, orchards and vineyards were destroyed and the livestock of whole villages were confiscated or slaughtered.

Describing the tragedy of these events for the Palestinian people, Abu Salma, one of the most famous of the nationalist poets of this period, wrote

Behold the Fatherland lies slaughtered.
The people scattered
The land laid waste
Its graveyards filled with bloody memories. 25/

* * *

4. Plan "D" and the Expulsion of the Palestinians from their Homeland

At the end of their great national revolt, the Palestinian people were disarmed and their ability to further resist the Zionist and British schemes checked (at least for the time being). The Zionists were, on the other hand, now a strong armed force--protected by the British and with a firm resolve to move toward a realization of their "dream". As expressed by Joseph Weitz, Head of the Colonization Department of the Jewish Agency, it was that

... it must be clear that there is no room for both peoples together in this country ... We shall not achieve our goal of being an independent people with the Arabs in this small country. The only solution is a Palestine ... without Arabs ... And there is no other way than to transfer the Arabs from here to the neighboring countries, to transfer all of them: Not one village, not one tribe should be left ... Only after this transfer will the country be able to absorb millions of our brethren. There is no other way out. 26/

This was, as we know, nothing more than a restatement of the Zionist "dream" to establish a pure Jewish state. It expresses perfectly the logic of the vision of Zionism. It was the land of Palestine they wanted--not the people. Thus, as they envisioned it, for the land to become theirs, the people had to be removed. This has been seen by many leading Zionists to be a cold and simple equation.

/...

A prominent Israeli journalist, Yeshayahu Ben-Porath, summarized this "central truth" of the history of the Zionist movement:

there is no Zionism, and there is no settlement,
and there is no Jewish State without the evacuation
of Arabs and without the expropriation and fencing
of lands. 27/

* * *

The 1948 War almost brought this Zionist "dream" into reality--producing, at the same time, a nightmare for the Palestinian people. The vehicle which the Zionist forces used for the realization of their goal was called "Plan Dalet" (or "Plan D").

As the military and political situation in Palestine changed during the Post WWII years 1945-47, the Zionist leadership changed their tactical military plans for the conquest of the land and the establishment of their Jewish state. During these ~~three~~ years their plans went through three phases--Plans "A" through "C".

When in October of 1947 the United Nations voted to partition Palestine into two states--one Arab and one Jewish, and when in December of 1947 Great Britain announced its intention to evacuate its forces from Palestine by May 15, 1948; the Zionists, then, developed their final military plan for the conquest of Palestine--Plan "D" (Dalet). 28/

The Zionists objected to the U.N. partition plan since, even though it included the absolute bulk of the Jewish inhabitants (80% of them) and Jewish-owned land of Palestine, it was still only 45% Jewish and only 9.4% Jewish-owned. Arabs, then, were 55% of the population of this proposed Jewish state and they owned 34.24% of its land. This, according to the Zionists, was unsatisfactory. And, as David Ben Gurion says, in Rebirth and Destiny, they were determined to make their region "more Jewish and larger". 29/

Plan "D" was put into operation from April 1 to May 15, 1948, before the British departure from Palestine (and, it should be noted, before the entrance of any Arab army into Palestine). Specifically, it sought, by a combination of military and psychological means, to:

- 1) Evacuate the major Arab cities and towns: Haifa, Akka, Jaffa, Lydda--thereby destroying the cultural and political centers of the Arab population.
- 2) Establish a "safe corridor" from Tel Aviv to Jerusalem.
- 3) Capture and "purify of Arabs" the Eastern and Western Galilee. 30/

/...

The overall goal of Plan "D" as noted by Walid Khalidi in his important research study on "Plan Dalet", was:

The destruction of the Palestinian Arab community and the expulsion and pauperization of the bulk of the Palestinian Arabs ... calculated to achieve a military fait accompli upon which the state of Israel was to be based. 31/

or, in the words, of Yigal Allon, leader of the Palmach, to "clean the Area" of Arabs. 32/

"Plan Dalet", then, was specifically designed to increase the size of the Jewish state while at the same time removing its Arab population. It sought to accomplish this mainly by means of terror campaigns against the Arab civilian population. One such campaign, was the massacre at Deir Yassin. The horrible events that took place in this Arab town were recorded by the Red Cross Chief Delegate to Palestine, Jacques de Reynier who reported finding 254 old men, women and children murdered, with bodies stuffed into a well in the center of town. 33/ Menachim Begin, leader of the IRGUN, the Zionist terrorist squad responsible for this massacre (and today leader of the "LIKUD", the second largest political grouping in the Israeli Knesset) described the purpose of this barbaric act. After Deir Yassin, he wrote that,

Arabs throughout the country, induced to believe wild tales of "Irgun butchery", were seized with limitless panic and started to flee for their lives. This mass flight soon developed into a maddened uncontrolled stampede. Of the almost 800,000 who lived in the present territory of the State of Israel, only 165,000 are still there. The political and economic significance of this development can hardly be overestimated. 34/

Yigal Allon (who is today Israel's Foreign Minister), then leader of the Zionist shock troop force, the Palmach, has similarly described the use he made of this terror tactic to evacuate the Arabs from parts of Palestine. "There were left before us," he stated, "only 5 days before the threatening date May 15." 35/ That the date of the British departure from Palestine, and, therefore, the date by which the Zionists hoped to complete their "Plan D". "We saw," he continued,

a need to clean the upper Galilee and to create a Jewish territorial continuity in the entire area of the upper Galilee ... We, therefore, tried to a tactic ... which worked out miraculously well. I gathered all the Jewish Mukhtars, who have contact with the Arabs in different villages, and asked them to whisper in the ears of the Arabs that a great Jewish reinforcement has arrived in Galilee and that it is going to burn all of the villages of the Huleh. They should suggest to these Arabs, as their friends, to escape while there is still time. And the rumor spread in all the areas of the Huleh that it is time to flee. The flight numbered myriads. The tactic reached its goal completely.

/...

The regular Jewish army, the Haganah, also used this tactic. Bertha Vester, a Christian missionary stationed in Palestine at that time, reported hearing Haganah sound trucks driving through Arab villages warning:

Unless you leave your homes, the fate of Deir Yassin will be your fate. 36/

And, as they approached Jerusalem, the Haganah trucks announced in Arabic:

The road to Jericho is open! Fly from Jerusalem before you are all killed. 37/

In the Galilee, the Haganah used aircraft to drop leaflets with messages designed to frighten the Arab villagers into fleeing. Some warned of smallpox infection, others warned of massacres. An example of one of these warning leaflets reads:

All people who do not want this war must leave together with their women and children in order to be safe. This is going to be a cruel war with no mercy or compassion. 38/

These and other atrocities and threats of atrocities by the Zionist forces combined to produce hundreds of thousands of Arab refugees. And in the end by means such as these, "Plan Dalet" accomplished its goal--or better, almost accomplished its goal, through what Weizman termed the "miraculous cleaning of the land; the miraculous simplification of Israel's task." 39/ While it was true that the hoped for "two-fold miracle" of Ben Gurion--a state, larger and more Jewish--had become a reality, it had not become a pure Jewish state. As Menachim Begin noted, 165,000 Arabs still remained. It is to their story that we shall now turn, for while these Arabs were not expelled from their homeland, they have experienced the logic of the Zionist "dream" as it has been extended to yet another ugly conclusion--systematic repression of those Arabs who remained with the land.

* * *

II. THE PROBLEM OF HUMAN RIGHTS UNDER ZIONIST RULE

1. The Arabs in Israel: 1948-1967

Those Palestinian Arabs who remained in their homeland after 1948 were given what can, at best, be described as "third-class citizenship" in the Israeli state.* What made their lives most difficult was the harsh and arbitrary

*The term "third class" citizenship is used to describe the situation of the Arabs in Israel so as to distinguish their plight from that of Israel's "second class" citizens--the Oriental Jews (who are the majority Jewish group in the state). After two decades of discrimination, the Oriental Jews of Israel have developed their own powerful independent civil rights organization--the Black Panthers. The Arabs, however, are prohibited by law from forming any independent organizations to work for their rights. In the late 1950's they attempted to

military rule to which they were subjected. This military rule was but one aspect of the repressive "Emergency Defence Laws" which were put into effect in 1949 by the new Jewish state.

These "laws", as was noted above (in Section I), were originally introduced into Palestine by the British in the late 1930's. When they were later used against the Zionists after World War II, Jewish lawyers and humanitarians in Palestine spoke out in a unified voice against them. For example, the noted attorney, Ya'acov Shimshon Shapiro, who became Attorney General and then Minister of Justice of Israel after 1949, criticized these laws of the Mandatory Government in 1946, calling them "unparalleled in any civilized country." "There were," he said,

no such laws in Nazi Germany ...

There is only one form of government which resembles the system in force here now--the case of an occupied country ...

It is our duty to tell the whole world that the Defense Laws passed by the British Mandatory Government of Palestine destroy the very foundation of justice in this land. ... 40/

He concluded his remarks with the judgment that "no government has the right to pass such laws".

Others were equally vociferous in their condemnations of these "laws". It seems ironic, then, that immediately upon assuming state power in 1948, the Zionists would adopt these very same "laws"--with little protest from these same Jewish jurists and intellectuals. This change in attitude can be explained by the fact that these "laws" were now to be applied to the Arab population of the new state.

Collectively the "Emergency Defence Laws" functioned to: establish a military administration over the Arab sectors of the state, giving it the power to impose collective punishment (Articles 119 and 121); institute internment without recourse to judicial process (Articles 110 and 111); use forced exile without judicial recourse (Articles 109 and 112); confiscate Arab lands for "security reasons" (Article 125); and impose prolonged total or partial curfew over entire regions (Articles 124, 126, and 132). 41/

As a result, the Arab people who remained in Israel have, since 1948: been denied most of their civil rights including freedom of the press and the right

(Continued)

form such a group--al Ard ("the Land"). It, however, was soon abolished by the Israeli military administration and the courts. Activities on behalf of Arab rights are carried on today mainly by RAKAH (the "new" Communist party) and the Israeli League for Human and Civil Rights.

/...

to form any independent political party or organization; had over 6,500,000 dunams of their land (approx. 4 dunams = 1 acre), together with all of the stores, homes, orchards* and other properties of their refugee kinfolk, confiscated by the state; and, having lost their lands and any control of their own lives, they have been reduced to a cheap pool of labor exploited by Jewish-owned industry. 42/

Since the formulation of the Jewish State, 478 Palestinian villages within its borders have been totally demolished. This was coldly acknowledged in 1969 by Moshe Dayan,

We came to this country which was already populated by Arabs ... Jewish villages were built in the place of Arab villages. You do not even know the names of these Arab villages, and I do not blame you, because these geography books no longer exist; not only do the books not exist, the Arab villages are not there either ... There is not one place in this country that did not have a former Arab population. 43/

In addition to the destruction of their property and loss of their lands, the Arab Palestinians who remained in Israel have, themselves, been subjected to a severe, politically repressive military occupation which has involved forced exile or the arrest and detaining of thousands of them (without being tried for or charged with any crime) and the regular use of prolonged twenty-four hour curfews over entire Arab regions.** The curfew, for example, in the "Little Triangle" region (which has the second largest concentration of Arabs living in Israel) was in effect for over fourteen years.

*These orchards, once confiscated, yielded the Jewish state tremendous revenues. Don Peretz writes in his Israel and the Palestinian Arabs (Washington: Middle East Institute, 1958) that:

In 1951-1952 Arab (citrus) groves produced one and a quarter boxes of fruit, of which 400,000 were exported. Arab fruit sent abroad provided nearly 10 percent of the country's foreign currency earnings from exports in 1951. In 1949, the olive produce from abandoned Arab groves was Israel's third largest export, ranking after citrus and diamonds.

**One horrifying example of the effects of this policy was the (by no means isolated) "incident" at the Arab village of Kafr Qasim. In 1956 the military authorities placed the village under curfew. The curfew was imposed at mid-day (on the day of the Israeli invasion into the Sinai) without warning. The majority of the villagers were out of the village at work. When they returned to their homes in the afternoon, they were without warning fired upon ("like target practice") by the Israeli soldiers. In the end, 47 unarmed and unsuspecting men, women and children were massacred that day at Kafr Qasim. After attempting to avoid taking action on the "incident", Israeli officials finally brought charges against all who were involved in this act of cold-blooded murder. All who were directly involved were convicted, but after appeals and pleas for leniency were heard, the longest sentence served for this crime was less than one year.

/...

This military rule continued to be imposed over all of the Arab regions of the state for over 17 years. In 1965 politicians were able to have the Knesset (Israeli Parliament) pass a bill which formally rescinded the "Emergency Defence Laws". Most of the provisions in these laws, however, were retained in other forms. In any case, while the "laws" were formally rescinded, the military occupation and the denial of civil rights continued unabated.

While the measures of these Emergency Defence Laws have produced extraordinary hardships for the Palestinian Arabs living under Israeli occupation, the details of the oppression suffered by them goes well beyond that caused by these or any other formal acts of the Jewish state. These Palestinians have, after all, been reduced to aliens in their own homeland. They have lost hundreds of their kin and their identity as a people, and they have seen the conditions of their existence forcibly altered against their will. Most importantly, they are victims of discrimination in almost every area of human activity.

In the field of education, for example, the Palestinian Arabs in Israel have had a state-controlled system imposed upon them. Not only are the goals of this system hostile to their interests as a people, but the education that it provides is woefully insufficient. Since the creation of the Jewish state, in this area of public education as well as in the other areas of state involvement, the attention and aid given to meeting Arab needs has left much to be desired. There has been a chronic shortage of schools, books, materials (especially in the sciences) and inadequately trained faculty. 44/

The content of this state-controlled educational system is designed to meet Jewish and not Arab needs. A number of Israeli researchers who have studied this question concluded that the materials prepared for Arab students could only serve the purpose of diminishing their pride and sense of being Arab since they presented a distorted view of Arab history and culture and presented the students with an insufficient background in Arabic language and literature.*

*These researchers, for example, noted that while Arab students spend 256 hours a year studying the Hebrew Bible (Jewish students spend 640 hours), they are only given 30 hours of study with the Qur'an (Jewish students do not study this at all). The New Testament receives no attention in this educational system.

As Jiryis notes, "The history of the Arab people is represented as a series of revolutions, killings, feuds, plunderings and robberies ... Jewish history is, on the contrary, glorified and enriched." (Arabs in Israel, p. 153)

An excellent study of this aspect of discrimination against Arabs in Israel can be found in "Palestine into Israel," Uri Davis (an Israeli) in Journal of Palestine Studies, Vol. II, No. 1 (1973).

/...

While the percentage of Arab students who graduate from this system is well below the percentage of Jewish graduates (the ratio is 10 to 1), even those who do finish fare poorly in this state which considers them aliens. ^{45/} A survey done by a Zionist magazine in the mid-1960's found that of the 465 Arab secondary school graduates who had remained in the country, over 20% were unemployed, while another 7% were only able to find employment as laborers. ^{46/}

As was noted above, the Arabs in Israel have for the most part lost their independent economic base (which was their ownership of the land) and have instead been largely transformed into a cheap pool of laborers for Jewish-owned industries. ^{47/}

What agriculture remains in Arab hands is poor and is unable to compete with Jewish agriculture since it is denied the large amounts of state aid given to these Jewish enterprises. ^{48/} The rest of the Arabs in the state have been forced (in order to economically survive) to leave their homes and villages and find work in Jewish towns. Since the provisions of the military administration do not permit the Arabs to leave their towns and live in the Jewish quarters, they must travel daily to and from work--at great hardship and personal expense.

There are other indices that can be pointed to that make clear the details of discrimination against Arabs in employment. They are, for example, recipients of the lowest paid jobs in the state and are the first to be fired in times of economic decline (the Arab unemployment rate is double the Jewish rate*). ^{49/} Finally, it should be noted that while the only trade union in the state--the HISTADRUT--reluctantly opened its doors to Arab workers in 1960, they still remain underorganized and underprotected. By 1976, for example, less than 60% of the Arab workers of the state had been unionized.

While these forms of institutional discrimination have created severe difficulties for the Arabs living under Israeli rule--the most disturbing area is the field of social relations. Six decades of intense Zionist ideology and practice--which is at its core anti-Arab and racist--have left their mark on the psyche of the Jewish people of the state. A clear example of this can be found in a study of the attitudes of Israeli children done by an American psychologist,

*An excellent example of this form of economic discrimination against Arabs occurred recently at the Dimona Fibers plant in Israel.

Due to a suspension of production of some of Dimona's lines of fabrics, the management announced that it was being forced to dismiss some 345 employees (many of whom were Jewish). The Jewish employees protested and demanded that management instead fire all its Arab employees. In the end, management yielded and all 145 Arab employees were ordered removed from the premises. This story was reported in both Ha'aretz (8/20/1974), p. 4 and The Jerusalem Post (8/20/74, p. 10).

/...

study of the attitudes of Israeli children done by an American psychologist, Dr. George Tamarin. 50/ His study sought to investigate what the effect might be on the minds of young Jewish children who were being educated in Israeli schools where the Bible is used as a history text. His sample included 1,066 school children and solicited information from them with regard to the Book of Joshua (which is used in Israeli schools from grades 4-8). The children were questioned on Chapter V, verses 20-21, which describes the massacre of the people of Jericho by Joshua's army. It reads:

and they utterly destroyed all that was in the city,
both man and woman, young and old, and ox and sheep,
and ass with the edge of the sword.

The children were asked two questions: "Had Joshua acted rightly?" and "Suppose that the Israeli army conquers an Arab village ... should they do the same to the village as Joshua did to Jericho?" Differing slightly from school to school, between 66% and 95% of the children interviewed agreed that Joshua had acted correctly. What was most disturbing, however, was that at least 30% were in favor of the Israeli army using this as a model for dealing with the Arab villages. Clearly such an attitude in children does not come merely from their schooling but also as a reflection of attitudes derived from their entire adult world and the ideology of the state itself--the vision of Zionism. That the Jews should live alone in Israel--that the Arab is "alien" and "less than human"--are ideas that are transmitted in various forms on a daily basis to the Israeli public.

In an article, "The Adventures of Oz Yaus, Tzuptzik and Danidin", appearing in Ha'aretz, author Tamar Meroz examines the serious problem of anti-Arab stereotypes in Israeli children's literature. 51/ The single-most common theme running through the books she examined is that

Arabs slaughter Jews for pleasure and the pure Jewish child then defeats the cowardly pig.

But this should not be surprising since it represents a simple reflection of the world-view of main-stream ideologists of political Zionism.

The stereotypical view of Jews and Arabs presented above is not all that different from the view of, for example, Chaim Weizman, as he wrote of the "Arab problem" to Lord Balfour describing the Arab as "superficially clever and quick-witted" but at the same time "treacherous". 52/

Readers of Israel's daily press are regularly treated to such fairy-tale "wicked-Arab" "heroic-Jew" utterances from their leadership. For example, in a Ma'ariv interview, Aharon Davidi (retired Commanding Officer of Israel's paratroopers) expressed the following point of view about Arabs.

They have contributed nothing to the world. They have created nothing. The Arabs, as a body, are the least creative people in the world. They just sell oil ... they are strangling the world ... they are the world's biggest sabbateurs ...

/...

In a war against the Arabs Israel must act as the vanguard of the enlightened world. 53/

That this "Arab" should be resident within the Jewish State is, for many, intolerable. In an article "Return to the Ideology" appearing in the quarterly of the World Zionist Organization (WZO) Department of Organization and Propaganda, a famous Hebrew novelist and former Dean of Students at Hebrew University wrote

there is nothing more terrible to a Jew than to tell him that he is an integral part of the world ... the Jew demands for himself a status of more essential difference. Our being chosen and separated from the nations is a matter fixed in our proteins and our most primary genes...

There cannot be a worse thing than the return of the Gentile into us and he is among us very deeply, woven completely in our economical infrastructure ...

There is no chance, ever, for a binational state ... for the sake of the Jewish State and even more so for the sake of a Zionist Jewish State, we must return to the original Zionist concept of a state for Jews only and to free ourselves from the almost pathological need to have any mixing with Gentiles. 54/

And in 1974, the Minister of Agriculture, A. Uzan warned of the "Arab presence", noting that

The domination of Jewish agriculture by Arab workers is a cancer in our body. 55/

These views are frequently given added legitimacy by reference to Scripture. 56/ Regular articles and commentaries appear making reference, for example, to Numbers 33:51-56:

When you pass over the Jordan into the land of Caanan, then you shall drive out all the inhabitants of the land from before you ... and you shall take possession of the land and settle in it ... But if you do not drive out the inhabitants of the land from before you, then those of them whom you let remain shall be as pricks in your eyes and thorns in your sides and they shall trouble you in the land where you dwell. And I will do to you as I thought to do to them.

The danger of the Arab presence is often referred to as "the demographic time bomb". 57/ While this "problem" has taken on a new dimension with the occupation of the West Bank, Gaza, and East Jerusalem (and will be discussed below), the fear of an increase in the Arab population in the Galilee in Israel is also frequently discussed.

/...

Ariel Sharon, Minister of Agriculture in 1977, referred to the Arab threat of increase in the Galilee region, noting that

I'm dealing with strangers, Arabs, taking over state lands ... while talking of the Judaization of the Galilee, the area has returned to be a Gentile area ... I have (therefore) begun to take drastic measures to prevent strangers from taking over national lands. 58/

And in 1979 when asked about the Arabs in the Galilee, Chief of Staff General Rafael Eytan accused them of foiling Israeli plans for Judaization. "According to my opinion," the General began,

the Arabs (in the Galilee) are today engaged in a process of conquest of the land, conquest of the work, illegal immigration and terror. 59/

The effort to "Judaize the Galilee" to which the General was referring, was the policy suggested three years earlier by the Commissioner for the Northern Galilee, Israel Koenig.

In 1976, Israelis were informed by the editors of al Hamishmar (a moderate Zionist daily newspaper of the Mapam Party--a member of the Coalition Labor government of Yitzak Rabin) of the existence of a "secret memorandum" on the "Arab problem", written by Israel Koenig. The "report" was Koenig's effort to deal with the Arab "threat" in the Galilee. 60/

After giving a racist description of the "Arab mind" and the danger to Israel of the growing numbers of Arabs in the Galilee, Koenig offers suggestions as to how to limit this "Arab demographic bomb". Included in his recommendations were several suggestions which have, in recent years, been implemented as government policy, including: 1) increased confiscation of Arab lands in order to facilitate Judaization of the Galilee; 2) greater control over Arab education and institutions; 3) cutting links between the Galilee and the West Bank, and 4) discriminatory taxes to encourage large Jewish families, while discouraging large Arab families.

* * *

It has been such anti-Arab expressions and policies as these that has produced the racist climate in the overall public opinion among Israelis.

A Louis Harris poll of April 1, 1972, showed that between 60-85% of those adult Israelis interviewed felt Arabs to be "intellectually inferior", "more inclined to irrationality", "lazier", etc. than Jews. 61/ And a study done by an Israeli researcher, Yochanan Peres, found similar evidence of ingrained anti-Arab racism. 62/ In response to the statement, "Arabs will not reach the level of progress of Jews", Peres found that an average of 84% of those interviewed agree. A higher percentage, 87%, agreed that "Arabs understand only force". Similar anti-Arab bias was noted in response to questions about "Intermarriage with Arabs" (82% opposed); "living next door to an Arab" (66% opposed); and "there should be fewer Arabs in Israel" (92% agreed).

/...

This racism (both institutional and subjective) noted above is the logical outcome of the ideology of Zionism as it has become manifest in the daily activity the state founded upon its principles.

From the very appearance of this movement in Palestine it has worked to build an exclusive Jewish state. Toward that end it has harassed and excluded, then expelled and repressed the native Arabs of that land. That the state built on this "vision" and this history would come to embody this racism was inevitable. That the people of this state would become victimized by this exclusivist ideology and would themselves become racist was, unfortunately and even tragically, also inevitable.

Such is the story of the Palestinian Arabs who have, since 1948, lived under Israeli occupation.

* * *

2. The Israeli Occupations of the West Bank and Gaza: 1967-1980

By early 1967 the number of Arabs under Zionist rule had doubled to almost 320,000. Then came the June war of that year and the Israeli occupations of the rest of historical Palestine--the West Bank of the Jordan River and the Gaza Strip. While these occupations caused over 425,000 Palestinians to flee, once again, for their lives--they also brought another 750,000 Palestinians under Zionist military rule. In this regard the 1967 occupations were significantly different and far more problematical to the Zionist movement than those of 1948--they had produced no double miracle. Tremendous amounts of new land were seized, but far too many Arabs remained in these lands for them to be easily annexed to the Jewish state. Compounding this problem and further frustrating the Zionist desires for immediate annexation was the fact that in November of 1967 the U.N. Security Council unanimously passed Resolution 242 calling upon Israel to return all of the occupied land. In 1948 only the General Assembly had acted in an effort to put a brake on Zionist ambitions. With continued Western backing, however, the Zionists were able to successfully flaunt the General Assembly resolutions on the rights of the Palestinian refugees. A unanimous Security Council resolution, however, could not be so easily ignored. Thus, while the Zionist strategy for the West Bank and Gaza displayed the same contempt for the human rights of the Arab people--because of the large numbers of Arab people involved in this occupation and the limited amount of international pressure against it--this occupation was forced to take a slightly different form.

The key elements of the occupation once again included: the use of a severe, repressive military occupation; extensive land seizures by the state for the establishment of Jewish colonies; and the economic integration and exploitation of Arab land and labor for and by the Jewish state. This occupation, however, did not offer the Arabs the veneer of "citizenship rights" as did the occupation of 1949, since the state could not conceive of adding over 1 mil. Arab citizens to its numbers.

/...

This problem has created a serious internal Israeli debate. The two major positions taken in this debate are referred to as the "territorialist" position which calls on the state to keep as much territory as possible regardless of the number of additional Arabs this would add to the state, and the "populationalist" position, which gives absolute priority to need to maintain an overwhelming Jewish majority. This latter tendency would, therefore, be willing to give up some of the occupied lands in order to protect Israel from the danger of absorbing too many Arabs. They are ironically called "doves".

The fear of the "populationists" was expressed by Golda Meir who was quoted in Newsweek Magazine (special issue on the Twenty-fifth Anniversary of Israel) saying how tired she was of waking up each morning and worrying how many new Arab babies were born on the West Bank during the night (also Ha'aretz 10/25/72).

A similar "populationist" concern with the high Arab birth rate was expressed by the editorialist (S. Schnitzer) in Ma'ariv on Oct. 29, 1967. He wrote that:

a high birth rate is not a question of destiny, but a danger against which society must defend itself by all means ... Viewing the matter in long-range terms we must act, and appeal to the loyalty and economic interests of the Jews of Israel, and convince them that large families are essential to their survival. We must at the same time tell the Arabs that they cannot allow themselves to maintain the highest birth rate in the world in our small and poor country.

Some Israelis, however, are not at all troubled by such problems of demography (or even morality). They opt for traditional Zionist solutions. In an interview in Ma'ariv (Dec. 6, 1974), Aharon Davidi stated a similar opinion on how to deal with the large numbers of Arabs in the occupied lands. He stated that the "problem" should be solved "in the most simple and humane fashion: by transferring all of the Palestinians from their present locations to the Arab lands."

This position is not the rabbi's or Lt. Col. Davidi's alone. It is the perspective of the growing extreme right (and "religious") wing of Israeli politics--for example, it is the position of the Jewish Defense League and the terrorist Gush Emunim settlers who have, in recent months, provoked widespread violence in the occupied territories.

One last example of this position can be found in an article in Mahanaim (4/69), the official publication of the Rabbinate of the Israeli Defence Forces. After quoting from Exodus 23 (30-31), in an effort to prove that the biblical injunction demands that "aliens" be expelled from the "Promised Land" but not exterminated, the article continues:

/...

(Thus) we must carry out an orderly and humane transfer over a relatively extended period of time, rather than abruptly. It must relate to the fertility of the Israeli population and its ability to replace the evacuees, least the land become desolate ... The Arabs who inhabit this land are an essentially alien element to it and to its fate and should be dealt with according to the rules which applied to the aliens of antiquity, our wars with them were inevitable ... Only those facing Jerusalem represent the true sons of the land ... the situation is clear and its outcome is clear.

Thus, these Palestinians of the areas occupied by Israel in the 1967 war, were like their compatriots in the Galilee and Triangle, viewed as "aliens" intruding on the Eretz Israel. Because of their large numbers, however, they presented a more serious problem to the Jewish State. As a result their presence had to be dealt with in a different way. The territories were not immediately annexed and the Palestinians of the occupied territories were not given the empty formal rights given to their brethren of pre-'67 occupied Palestine. Thus when the "Emergency Defence Laws" were resurrected and rehabilitated in order to apply to the new territories-- their application was, this time, to be even more harsh. The Palestinians of Gaza and the West Bank living under this military occupation have no political parties or organizations to which they can belong or in which they can participate. In fact, it is even a crime for them to have in their possession the newspapers of a Palestinian, or Communist, or Arab Nationalist party. They have no freedom of press, speech, or assembly. In all a broad range of human rights have been violated by the Israeli military government. Each year since its formation, the U.N. Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories has issued a report which has pointed out the severity of this repression and condemned it. In their reports the Special Committee has cited, in particular, violations involving:

the use of torture; collective punishment; deportation and expulsion of citizens of the occupied lands, the policy of arbitrary mass arrest and detention; the destruction and demolition of villages, and the expropriation of lands by force.

The findings of the Special Committee have been corroborated by independent reports which have been issued during the past ten years by Amnesty International, the International Committee of the Red Cross, the "Insight Team" of the Sunday Times and, in recent years, by the Annual Human Rights Report issued by the U.S. Department of State.

The U.S. Department of State report, for example, has cited such Israeli violations of Palestinian rights as:

confiscation of lands for settlement building; illegal transfer of civilian populations to settle in occupied territories utilizing scarce water and land resources of the inhabitants; expulsion of civic leaders; denial of free movement; mistreatment of prisoners; collective punishment; and administrative detention.

/...

In the past two years there has been heightened international attention focusing on those Israeli practices which violate the collective rights of the Palestinians as a people--specifically the confiscation and annexation of Palestinian lands and the establishment of large-scale Jewish settlement in the occupied territories.

A closer examination of this area of Israel's violation of Palestinian rights will shed greater light on Israeli intentions in the occupied territories.

* * *

The impact of the settlement building and land confiscations has been devastating for the Arab population in the occupied territories.

Reports by two American authorities on the occupied territories, Paul Quiring (of the Mennonite Central Committee) and Dr. Ann Lesch (of the American Friends Service Committee)--discuss in detail the impact of Israel's settlement policy on Arab agriculture and water supplies.

After presenting case studies from a number of West Bank towns affected by Israel's land confiscation and settlement building policies, Quiring concludes

For farmers like these, the impact of settlement construction is very real and can easily be measured in terms of money and lost assets. Apart from the political implications of Israel's settlement policy, the settlements produce a readily visible impact on the West Bank's indigenous economy. Although the losses vary, with some suffering more than others, the cumulative effect is to dispossess a people from that which they value most highly: their land. People continue to live in their homes, with some perhaps even prospering in their new employment, but the economic base on which the village was built has been taken out from under them. When the political or economic climate changes and it is no longer possible for the labor force to find work as laborers, they will have nothing to return to in their villages. Like thousands of others from the West Bank, they will be forced to leave their country in search of employment outside. The villagers recognize and resent this process, feeling that those who remain are becoming like museum pieces--quaint and intact, but supported by those outside and with little control over their future. 63/

And in discussing further the effects of these Israeli policies on the Arab national mood, Ann Lesch concludes

The overall impact of such confiscation must not only be measured in terms of acres of land lost. For the individual and the village, the primary consequence of land seizure is despair. The West Banker, reflecting on the fate of Palestinian land inside Israel and aware that he himself has no legal right to due process, feels that he must make an impossible choice:

/...

to stay and acquiesce to increasing Israeli control or to leave the land which gives him his identity ... each new settlement represents a tangible loss for the Palestinians, encroaching on their basic human rights and denying their aspirations for the future. 64/

In a special report submitted to the Palestine Human Rights Campaign (USA), a Christian churchman working on the West Bank prepared maps which attempt to depict the design of the Begin Government's settlement plan. 65/ The churchman attempted to outline the differences between the settlement policies of the Labor government and those of Begin's Likud. Stated simply, the Begin design, as he depicted it, is an effort to carve the West Bank into governable "bantustan"--like regions surrounded by Israeli settlements and installations to facilitate their eventual annexation. According to this analyst, the strategic objective of the Begin Government's settlement program is to

cut the West Bank into bits and pieces so that there can be no possibility of any territorial compromise over the West Bank.

Such a design for the West Bank was detailed in 1978 by the Gush Emunim, a fanatic Jewish nationalist group. In September of that year, while the Israeli government was participating in the Camp David talks, the Gush plan was published in Yediot Aharonot. 66/ In an article entitled "The Gush Emunim Peace Plan", the Gush called for a system of settlements and highways to cut the West Bank into manageable sections so that they could be easily controlled and annexed fully into Israel. Their plan called for adding 1,000,000 Jews to the West Bank by the year 2000.

While the plan seemed outrageous to many in 1978--it is clear today that this is the program envisioned by the framers of the World Zionist Organization's Master Plan (referred to often as the "Drobles Plan") and the Begin Government. 67/ According to the WZO plan (adopted Oct. '78 in Jerusalem) in the next five years, 46 new settlements are to be built in the West Bank. They will house 27,000 families (over 130,000 people) at a cost of 54 billion Israeli pounds.

In developing the notion that the settlements should serve the purpose of controlling the Arab population and creating conditions for annexation, the WZO plan states that

The disposition of the settlements must be carried out not only around the settlements of the minorities, but also in between them, this in accordance with the settlement policy adopted in Galilee and in other parts of the country. Therefore the proposed settlement blocs are situated as a strip surrounding the (Judea and Samaria) ridge--starting from its western slopes from north to south, and along its eastern slopes from south to north; both between the minorities population and around it.

/...

On November 16, 1979, the Jerusalem Post reported in a front-page lead story that the Begin government's Ministerial Committee on Settlements approved a long-term settlements program based on the WZO plan that would build between 10,000 and 15,000 housing units per year at a total program cost of 150 billion Israeli pounds.

Like the Gush plan described above, this Israeli government plan includes not only an intensified building program, but the construction of a highway system and new land acquisition extending the municipal borders of Jerusalem deep into the West Bank. Thus leading Meir Merhav, economics editor of the Jerusalem Post, to say recently (March 31, 1980) to Time Magazine that under the Begin government's settlement policy, the West Bank

is to be carved up by a grid of roads, settlements and strongholds into a score of little Bantustans so that (the Palestinians) shall never coalesce again into a contiguous area that can support autonomous, let alone independent, existence.

* * *

It is not only the settlement policies of the Israeli government that are a cause of violation of Palestinian rights, the fault often lies with the settlers themselves. They are not the homeless or refugees. They are, in increasing numbers, members of groups like the Gush Emunim, a band of middle class Israelis, for whom it has become a sacred duty to seize Arab land and rid the "Land of Israel" of its Arab inhabitants.

These settlers often behave like vigilantes. There are weekly reports of Gush-inspired violence. In Israel one frequently reads press reports of Rabbi Levinger's group in Kiryat Arba (outside of Hebron) and how, armed with clubs and guns, they walk with German Shepherd patrol dogs through the streets of Hebron in a show of force. A recent example was communicated to the PHRC (USA) on March 14, 1980, by the Mayor of Halhoul Muhammad Milham. He told the PHRC (USA) that after a similar display through Halhoul one week before, the Gush left town having smashed the windshields of 42 automobiles.

A casual reading of the Israeli press is enough to give one ample evidence of this problem (for example: Jerusalem Post 11/29/79 reports "Three Shilo settlers suspected of damaging West Bank school," and Jerusalem Post 12/20/79 reports "Residents of Kiryat Arba are thought to have assaulted two Arabs in a grocery store in Halhoul on Tuesday night and smashed equipment").

And in a summary of Gush-inspired violence, Time Magazine (3/31/80) reports

In fact, settlers from Qiryat Arba regularly intimidate Arab residents of Hebron, secure in the knowledge that the government will not crack down on them. Scarcely a week passes without some incident of vandalism or vigilantism. Grape vines of Arab villagers are cut. The tires of Arab-owned vehicles are slashed and windows smashed. Gun-wielding Israelis

/...

invade the houses of Hebron residents, threatening and terrorizing them. At the Haram al-Khalil Mosque, built on the site where Abraham, Isaac and Jacob are believed to have been buried, Jews disrupt the prayers of devout Muslims.

Early this year, a Jewish seminary student was murdered in Hebron's casbah, presumably by Arab assailants. Following the murder, the Israeli army clamped a ten-day curfew on the center of Hebron. But it was a discriminatory curfew. While Arab residents were confined to their homes, Jewish settlers, armed with rifles and pistols, strolled through the streets.

In one particularly ugly incident, some 20 armed men stormed the house of two stonecutters, Abdel Aziz Idris and his brother Hussein. Every window in their house, which they had built themselves, was broken. The Idris children and Abdel's pregnant wife were beaten before an Israeli army patrol arrived to rescue them. The Idrises do not know why they were targeted. "We enjoyed good neighborly relations," says Abdel Idris, "but after the murder of the Israeli youth, we were told again and again, 'If you won't leave your home, we shall beat you up.'"

As the above article notes, West Bank Arabs often complained that while the settlers are rarely punished, Arabs who respond or are a part of a conflict with settlers are often punished, even collectively. A most disturbing example of this took place on May 3, 1979, when a Gush Emunim doctor, in a provoked attack, shot and wounded a Bir Zeit University student. As the campus protested the shooting, the Israeli military entered and occupied the University, beating a number of students and faculty (including an American citizen Dr. Wasif Abboushi, currently at University of Cincinnati), and then ordering the University to be closed for two months.

On March 14, 1979, two unarmed demonstrating students were shot and killed by settlers in Halhoul. The response of the Military Governor was to place the entire town of 13,000 under 23-hour-a-day curfew for 16 days.

On June 8, 1979, Gush Emunim settlers illegally established the settlement Elon Moreh on Arab-owned land outside of Nablus. The settlers have not been punished by the Mayor of Nablus and 50 Municipal leaders were charged with "incitement" for conducting an "illegal" demonstration against the settlement. Although the settlement has been ruled illegal by the Israeli Supreme Court, the settlers remain in Elon Moreh to this day.

* * *

These provocative actions by a well-organized and armed fanatic settler movement (which is itself protected by the official military) when placed alongside of the policies pursued by the government, show a complex of policies that bear a frightening resemblance to the pre-1948 situation in Palestine.

/...

The "establishment of settlement facts", the defiance of world public opinion, the use of organized terror campaigns--all were part of the Zionist modus operandi in the post-WWII--pre-State of Israel period.

And in recent months there is yet new evidence which adds yet deeper detail to this frightening picture. The recent developments include:

- 1) the expulsions of two leading West Bank Mayors and a religious leader from Hebron, and the defiance of the Israeli authorities to readmit them in the face of unanimous world-wide condemnation;
- 2) the attempted murder of three West Bank Mayors and growing suspicion of official connections between the terrorist Koch Gush Emunim vigilantes and the official Israel army. The recent conviction of two army officers (for stealing army explosives and weapons) and the administrative internment of Meir Kahane (of Kach), on what is widely believed to be a similar charge--highlight this concern;
- 3) the plans of the Israeli government to take over the Jerusalem Electric Co. (making nearly complete, Israeli control over West Bank utilities) and the July 8 announcement by the Military Government of a takeover of higher education in the occupied territories (including the hiring and firing of faculty, admission of students, and establishment of curriculum;
- 4) increased use of long-term widespread collective punishment. During the month of May 1980, over 100,000 Palestinians from Hebron, Anabta, Daheisha, and Ayn Yafrud were placed under near total (23 hours a day) curfew for almost two weeks. The curfews were described by Gen. Matti Peled as "systematic starvation of an entire population."
- 5) the defiant new Begin policy on Jerusalem coupled with announcements of new settlements (a total of 11 in recent months) and land confiscations in the occupied territories.
- 6) the construction of a new prison center for Palestinian militants in the midst of the Negev Desert. Nafha Prison was described by one officer from the Israeli League for Human and Civil Rights (ILHCR) as "satanic and sadistic". From descriptions of inmates and their families, Nafha appears to be more of an "elimination center" than a prison. 68/
- 7) the organized practice of terror by members of the IDF during the Campaigns of May 1980. This came to light as a result of the testimonies given by a number of IDF officers to Uri Avneri (MK) and Dr. Israel Shahak of the ILHCR. The soldiers testified that they were instructed by their commanding officers and by IDF rabbis who

/...

were brought to lecture to them, to beat and humiliate Arab residents of the territories.* 69/

- 8) the suggestion by Gen. Aharon Yariv (MK) that plans exist to use the pretext of the next Middle East War (!) to expel the Arab inhabitants of the occupied territories. Speaking in a symposium at Hebrew University and quoted (May 23, 1980) in Ha'aretz, Gen. Yariv said

There are opinions to exploit a situation of war in order to expel 700,000 or 800,000 Arabs. Such opinions are common. Persons are speaking about this and means for this have been prepared.

* * *

*Excerpts from testimonies received by Uri Avneri and presented to the Knesset (5/19/80).

Before leaving on the mission we received our instructions from a high ranking officer in the military government, who told us:

"If you catch a small child, order his whole family out, make them stand in a row, and beat the father in front of his children. Don't treat this beating as a privilege, it's a duty! They understand no other way. There is no point in arresting those who just wander around outside. Beat them and send them home. But if someone causes trouble, throws stones or something, first break his bones and then put him on the vehicle that will take him to the military headquarters. Remember: From the minute he is on the vehicle he is an arrested man and must not be beaten any more. To the mission!"

The point that was emphasized, was not to take people aside and beat them, but to beat them in front of the others, so everyone would see and fear.

There were special instructions concerning roadblocks and burning tyres. We were told not to remove them ourselves, but to point our finger at the men standing most close to the roadblock and "not to care, they are already domesticated. He will know what to do." We were told that all we have to do is see that the inhabitants clear the road ...While fulfilling these missions we noticed an atmosphere of terror and fear among the inhabitants. We were shocked to see people who treated us as if we were masters, they humiliated themselves, begged for mercy before they were even touched.

And to Dr. Shahak, a 40-year-old reservist reported that a military Rabbi addressed his group,

saying that today's Arabs are the Canaanites and Amaleki'tes from the Bible and that they should be made to go away voluntarily from this country, because this country was given to us by God, under the condition

/...

The Begin government points to its offer of "autonomy" to the Palestinian as proof of its good will and respect for their rights. But the "autonomy plan" has been understood by Palestinians to mean continued occupation and eventual annexation under the fiction of "a vague 'self-rule'".

According to the plan offered by Begin the Palestinian rights that would be secured under autonomy are primarily domestic and social. Powers and responsibilities reserved for the Israeli government, on the other hand, include

foreign affairs and defence; internal security; Israeli inhabitants and settlements; state lands; natural resources, energy; printing of stamps and currency; radio, television and information; aerospace supervision; supervision of territorial sea; main international communication exchanges internal telex, international mail; supervision of Israeli banking and insurance institutions in the territories, and representation of the local banking system abroad. 70/

According to Knesset member and Begin critic Uri Avneri, the autonomy plan offered by Begin bears a striking resemblance to the autonomy offered to the pre-State Arabs by Begin's mentor, the extremist Jabotinsky. 71/ Avneri's helpful analysis of the autonomy plan is that

The Arabs of Eretz-Israel will form a minority within Greater Palestine, which will be ruled by the Jews. According to the plan, the land of Israel is one inseparable unit. There is a majority and a minority. In other words: A Jewish state covering every inch of the land of Israel. The Arab population, as a minority nation, will enjoy the autonomy of a "national minority".

This Arab autonomy is not a Bantustan or a protectorate. It is a great deal less. Autonomy is not exercised over a terrain but over a population which is a minority in the given terrain.

The power over the terrain will be vested in a government of the majority-nation. Not only the police and the military will be in the hands of the Jewish state, but all practical administration--and in particular, the right to settle lands and to expropriate them.

The rights are given to the "Arabs of Eretz Israel"--the Arabs who are inhabiting Israel today, i.e. the 1.1 million Arabs in the West Bank

(continued)

that we shall live in it alone, only Jews, without "Gentiles", whose mere existence corrupts the Land and the Jews and delays salvation. Those who will refuse to leave will suffer what the "seven peoples" suffered.

/...

and in the Gaza Strip. The principle of autonomy grants nothing whatsoever to the 1.8 million Palestinians who are outside western Palestine.

In other words: This isn't even autonomy for all the Palestinian people, but only for a section of it. The meaning of the principle of autonomy is clear--an annihilation of the Palestinian people and an eternal diaspora for half of them.

* * *

Understanding that the ultimate impact of autonomy would be to dispossess them and deny their rights rather than to empower their nation and fulfill their rights the Palestinians have rejected the "autonomy plan". It is their rejection and active opposition to this plan that has brought about the recent intensification in the violation of their rights (especially the expulsions, control of universities, collective punishment etc.).

* * *

Thus, after more than 80 years the vision and practice of Zionism remains unchanged. The genocidal implications of Zionism as expressed so succinctly in the formula of Yeshayahu Ben-Porath

that there is no Zionism, and there is no settlement, and there is no Jewish state without evacuation of Arabs and without expropriation and fencing of lands

are disturbingly clear to the Palestinians. The violations of their basic human rights are, quite simply, a function of the political ambitions of the Zionist movement and the state it created. Palestinian resistance to Zionism, and its dream of an exclusive Jewish state, therefore, continues.

* * *

CONCLUSION

As has been demonstrated time and again, Israeli policy is not responsive to the demands for justice for the Palestinian people that have been issued repeatedly by the great majority of the nations and peoples of the world. For as long as the Israeli government is able to receive blank-check military and political support from the West, it sees no reason to alter its position. Thus, only when the international movement for the defence of Palestinian rights is joined by these powerful nations of the West will the Zionists feel pressured to end their inhumane occupation of Palestinian lands.

In addition to the aid they receive from the West, there is another reason that accounts for the Israeli sensitivity to the attitudes of the Western states and their disdain for those of the rest of the world. And that is the racism that lies at the heart of the Zionist ideology. This has been clearly demonstrated on a number of occasions by Zionist leaders. For example, Abba Eban, whom many feel to be one of the most eloquent spokesmen for the Israeli viewpoint, has demonstrated this attitude in his numerous attempts to slander positions taken by the United Nations on the Palestine Question. After the U.N. decisions both to allow the P.L.O. to present its case in 1974 and to characterize Zionism as a form of racism in 1975, Abba Eban in New York Times "Op. Ed." articles termed the U.N. "morally mad" and "inhuman". Their decisions, he stated, were to be ignored since they were the product of the "Afro-Asian-Arab-Socialist Bloc", and what, he implied, would they know of morality? Morality, respect for human decency and freedom, these virtues, according to Mr. Eban, are only to be found in the West and are therefore only appreciated by the West.

Other Zionist representatives have uttered similar condemnations of the U.N. decisions to recognize Palestinian human rights. While ignoring their own repeated use of terrorism in the history of their Zionist movement, including the recent indiscriminate bombing raids against Palestinian refugee camps, as well as the fact that for more than 33 years they have denied the Palestinian people their simple right to self-determination, Zionist apologists have insisted on insulting and degrading the leader of the P.L.O. as he appeared before the U.N. to plead (for the first time in their history) the case of his disinherited people. The Israeli U.N. Ambassador, Yoseph Tekoah characterized the appearance of the Palestinians before the General Assembly by saying that

Today bloodshed and bestiality have come here to collect the spoils of the United Nations surrender.

What, one might ask, would be the Zionist response to a Palestinian leader characterizing an Israeli official in such language?

To the Zionist, the Arab is not a human being, has no rights, and is, therefore, due no respect. In the Zionist image of reality, the Phantom jet with its napalm and anti-personnel bombs that maim and kill from the air is clean and innocent, while the lone commando whose people are dispossessed or living under occupation, is a beast.

/...

After the U.N. General Assembly actions of November of 1975, equating Zionism with racism and calling once again for an end to the occupation of Palestinian land, the Israeli government chose to combine its verbal reply with a more traditional Zionist response. On December 1, the Israeli Cabinet declared its intent to proceed with the establishment of new Zionist colonial settlements in the occupied lands. To make the point of their contempt both for Palestinian rights and life and the United Nations even more clear, on the following day, December 2, thirty Israeli Phantom jets repeatedly bombed and rocketed not "terrorist" bases but Palestinian refugee camps. At the conclusion of this massacre, 107, mainly women and children, lay brutally murdered while another 175 were wounded (many with severe burns and lost limbs). While the U.S. news media at first attempted to portray the massacre as a "retaliating raid" (although no one was quite sure what it was in retaliation of), the Israeli leadership in brutal honesty declared that the raids were their response to the P.L.O. victories in the U.N. The military spokesman for the raids stated that these attacks underlined his Israeli government's policy that the Palestinians will be recognized and dealt with "only on the battlefield" and not at the U.N.

Thus these two actions--the terror raids and the establishment of new colonies--were the Israeli reply to the world's demand that they respect the human rights of the Palestinian people. And in this we see once again a clear example of logic of Zionism--they are a civilized nation of the West. By definition, then, their actions are moral and humane. Their enemies, on the other hand, are barbarians who have no rights and understand only force.

* * *

The desire of the Zionist movement to establish an exclusive Jewish state and to keep that state open at all times to waves of Jewish immigration from abroad, has created both the problems of anti-Arab racism (institutional and subjective) and also the need for the state to continue to expand into Arab lands in order to be able to absorb more immigrants.

During WWII, in the midst of the horrifying massacre of 6,000,000 Jews by the Nazi movement, the pretext under which the Zionist experiment operated changed from its original colonialist intent to a scheme to provide security for the world's Jewish people. Thus during this period, instead of combating anti-Semitism where it occurred, the Zionist leadership put forward their colonial plan in Palestine as the solution to the problem of finding security for world Jewry. And thus instead of the nations of the West, it was the Palestinian people who were made to pay the price for the horrible crimes committed against Jewish people.

In a real sense, the schemes of Zionism are not only anti-Arab, they are also anti-Jewish. It is not the Palestinian who has corralled millions of Jews into a ghetto-like arsenal-state where their security and well-being are constantly threatened--it is the Zionist movement which has done this. And it is not the Palestinian who has denied Jewish people the opportunity to live at peace in the Middle East.

/...

The Palestinian desire for a truly democratic state where all can live in peace, is the fulfillment of the universalistic prophetic tradition of Isaiah. In the face of this vision, Zionism joins hands with European anti-Semitism and declares "that Jews and non-Jews can never live together assimilated into one human society"--"that Jews and Gentiles are essentially different"--"that Jews are a separate race and nation, regardless of the country of their birth."

The Zionist Leo Pinsker wrote in his famous Auto-Emancipation (New York: 1944, p. 9) that the non-Jewish peoples of the world are suffering from a "psychic aberration" called "Judeophobia" which is "incurable". He states in full that

Judeophobia is a variety of demonopathy with the distinction that it is not peculiar to particular races but it is common to the whole of mankind ... as a psychic aberration it is hereditary and as a disease transmitted for 2,000 years it is incurable.

Hertzl himself agreed with this assessment. He thus admitted in his Diaries "the emptiness and futility of efforts to combat anti-semitism." Rather, he continues,

I (now have) a freer attitude toward anti-Semitism ... it will do the Jews no harm. I hold it to be a movement useful for the development of the Jewish character. (All quotes from the Diaries of T. Hertzl (New York: 1962, pp. 6-10))

A similar antipathy towards improved Jewish-Gentile relations, and support for Hertzl's "utilitarian" view of anti-Semitism is found in Israel today. For example, in Article No. 59 of the Basic Principles of Government approved by the Israeli Knesset in 1959, it states that it is the goal of Zionism and the state of Israel

to fight against all signs of assimilation of Jews into the countries of their origins.

And from the editorial pages of the Israeli newspaper Davar, the official organ of the ruling MAPAI, comes this plan devised by its editor,

I shall not be ashamed to confess that if I had the power as I have the will, I could select a score of efficient young men--intelligent, decent, devoted to our ideal and burning with desire to help redeem the Jews--and I could send them to countries where Jews are living in sinful self-satisfaction, to plague these Jews with anti-semitic slogans, such as "bloody Jews" or "Jews go to Palestine".

I can vouch that the results, in terms of considerable immigration to Israel from the countries would be 10,000 times larger than the results brought by 1,000's of our emissaries who have been preaching for decades to deaf ears.

Thus Zionism instead of liberating Jewish people, seeks to ensnare them out of the homes of their birth and cause them to move to Israel to support its colonial ambitions in Palestine.

After thirty-three years, we must ask the question, "Has history shown that the establishment of the exclusivist and expansionist state of Israel has made possible real security for the Jewish people; or has it demonstrated the opposite?"

Since the Palestinian people have refused to act as pawns in this experiment and be dispossessed by this alien movement that came to take their lands and homes, it can only be concluded that the experiment of Zionism has failed. It has not provided security for Jewish people--rather it has locked them into an unending cycle of violence. And its cost, in life, liberty and property, to the Palestinian people, is so great as to defy calculation. Efforts, not only to defeat the Palestinians, but to devastate them and destroy their will to resist, have all failed. They have refused to acquiesce and they continue to demand that the Israeli occupation of Palestinian lands be ended and that their rights to return to their homes and to live in peace in their homeland be recognized and implemented. Peace and security for all the peoples of the area cannot come about until these basic Palestinian human rights are recognized.

But this will not come about until those nations in the West who have for decades provided Israel with economic and diplomatic support--assume what is their moral responsibility: to recognize the violations of Palestinian rights and to act decisively to end these abuses.

* * *

One year ago the Palestine Human Rights Campaign received an appeal from a woman whose 14 year old son had been imprisoned together with over 20 of his schoolmates. They were held for a prolonged period without charges. And during that time they were treated brutally and frequently humiliated by their captors. Finally they were released. But they live in fear that they may once again be arrested. She urged us to speak out--to "break down the walls of silence" that Israel has constructed around the occupied territories. In alerting the West to what had happened to her son, she said, we would help to set limits on future Israeli abuses. In doing so, she concluded, we would help to create the conditions for a just peace.

There is a special challenge here to all in the West who champion civil liberties and who are molders of public opinion--a challenge to recognize the humanity of the Palestinians and to act according to the simple maxim that is the slogan of our campaign "Palestinians have human rights, too."

It is precisely the failure of the West and champions of human rights in the West to unequivocally condemn and decisively act to end Israeli abuses

/...

of Palestinian rights that has provided the Israeli régime with the breathing space (not to speak of the financial resources) to actively pursue their policies.

Today in the face of escalating abuses of basic rights, the West deliberates. At this time, the Palestinians, especially those in the occupied territories living in the shadow of the Gush Emunim and the I.D.F., face immediate threats to life and liberty:

- the prisoners in Nafha, in Ramleh or those in the torture rooms in Moscobiyyah,
- the mothers of the prisoners, especially those beaten and arrested last month protesting the inhumane treatment of their sons
- the residents of Hebron or Jalazon refugee camp living in fear of another curfew or of another night raid by the Gush Emunim--

They do not need vague formulas hinting at recognition. They need to be protected and defended.

Continued silence, in the face of these crimes and overwhelming evidence as to the intensity of Israel's violations and the ultimate intent of the occupation authorities, amounts to more than acquiescence. It means complicity.

ENDNOTES

2. A Psychohistory of Zionism, Jay Gonen, p. 183
3. The Shahak Papers No. 31 "Collection on Jabotinsky: His Life and Excerpts from his Writings", p. 16
4. This point is well developed in "The Non-Colonial Zionism of Mr. Abba Eban", Fayis Sayigh Middle East Forum, Vol. 42 No. 4 (1966)
5. Max Nordau to His People (New York: 1941), p. 73.
6. Hertzl's negotiations with the Sultan: "Turks, Arabs, and Jewish Immigration into Palestine, 1882-1914," in Middle East Affairs, No. 4, ed. Albert Hourani, St. Anthony's Papers (London: 1965).
7. A copy of the letter sent by Hertzl to Rhodes can be found in The Complete Diaries of Theodore Hertzl, ed. Raphael Patai (New York: 1960), Vol. III, pp. 1193-1194.
8. History of Zionism 1600-1918, Nahum Sokolow (New York: 1969), Vol. 1, pp. 206-207.
9. "British Interests in Palestine 1917," Herbert Sidebotham in Haven to Conquest, ed. Walid Khalidi (Beirut: 1971), p. 133.
10. Nordau, op. cit., p. 57.
11. "Memorandum by Mr. Balfour Regarding Syria, Palestine, and Mesopotamia", in Khalidi, op. cit. pp. 201-202.
12. British Imperial Interests in Palestine, Herbert Sidebotham (London: 1934).
13. Raphael Patai, op. cit. Vol. I, p. 88.
14. Ibid.
15. The Jewish State, Theodore Hertzl (New York: 1943), p. 30.
16. Discussed in The Question of Palestine Edward Said, (New York: 1978) p. 67-68
17. Ha'aretz "A New Look at Jabotinsky", Shlomo Avineri 1/11/80
18. Shahak Papers No. 31, p. 16

19. A section of Weizman's speech and the Arab reaction to it are found in The Arab Woman and the Palestine Problem, M. E. Mogannam (London: 1937), p. 295.
20. While various Zionist organizations and individuals expressed different sentiments about their attitudes toward Arab labor--this Constitution and the following agreements created the real structure of Arab-Zionist relations in Palestine.
See: Palestine Diary, ed. John and Hadawi (Beirut: 1970), Vol. I, pp. 225-226.
21. Ibid. pp. 224-225
22. Quoted in Ha'aretz (Nov. 15, 1969)
23. See: The Army of Israel, Moshe Pearlman (New York: 1950), p. 30.
The Struggle for Palestine, J. C. Hurewitz (New York: 1968), p. 42.
24. These and other statistics relating to the impact of the British-Zionist offensive that crushed the 1939 Revolt can be found in Khalidi, op. cit. pp. 846ff.
25. Translation is by Dr. Emile Nakhleh.
26. "A Solution to the Refugee Problem: An Israeli State with a Small Arab Minority," Davar (9/26/67).
27. Gonen, op. cit. p. 196
28. Plans A through C can be described as follows:
Plan "A" was operative from February 1945 until May 1947.
During that time, the Zionist hoped to win the "unconditional support" of the British government, enabling them to take control of the entire country. They, therefore, devised a plan to control the Arab population under their "minority rule."

When the British turned the Palestine question over to the U.N., and an announcement for "partition" was imminent, the Zionists, realizing that all the Arabs were opposed to any division of Palestine, organized Plan "B"--i.e. the neutralization of any Arab interference with "partition."

Plan "C" from November 1947 to April 1948 was a "holding action," designed to maintain the Zionist military initiative, until the exact U.N. and British intentions were made clear.

Plan "D", as we shall see in the text was unique. Edward Luttwak and Dan Horowitz in "The Israeli Army (New York: 1975) describe it as follows: "Plan D called for the permanent seizure of Arab villages and the expulsion of their inhabitants."

/...

Other sources on "Plan D" include: The Edge of the Sword, Lt. Col. Netanel Lorch (New York: 1961), pp. 87-89; "The Plan Dalet", W. Khalidi, Middle East Forum, November 1961, reprinted in Why Did the Palestinians Leave? (London: nd), pp. 32-46.

29. Rebirth and Destiny of Israel, David Ben Gurion (New York: 1954), p. 292.
30. Khalidi, op. cit., p. 32.
31. Ibid., p. 32.
32. Ibid., p. 42, also see The Decadence of Judaism in our Times, Moshe Menuhin (Beirut: 1967), p. 118.
33. Translated from French and reprinted in Khalidi's Haven to Conquest pp. 761-766.
34. The Revolt, Menachim Begin (New York: 1951), p. 163.
35. From Ha Sepher Ha Palmach (Tel Aviv: 1953), Vol. II, p. 286 translated by Khalidi in "Plan Dalet", op. cit.
36. Quoted in "The Other Exodus", Erskine Childers, The Spectator, May 12, 1961.
37. Ibid. For another example of this tactic, see: Promise and Fulfillment, Arthur Koestler (New York: 1949), p. 207:
38. Khalidi, op. cit., p. 41
39. Quoted in My Mission to Israel, James McDonald (NY: 1951) p. 176.
40. Quoted in The Arabs in Israel, Sabri Jiryis (Beirut: 1968), pp. 3-6.
41. An outline of these laws are given in ibid., pp. 20-26.
42. "From Peasantry to Wage Labor and Residual Peasantry: The Transformation of an Arab Village," Henry Rosenfeld, Peoples and Cultures of the Middle East, ed. Louise Sweet (Garden City: 1970), Vol. II, p. 155 and pp. 166-167.
The Histadrut, Layla Qadi (Beirut: 1967), p. 27.
43. Ha'aretz, 4/4/69
44. For examples of such criticism see:
Les Arabs en Israel, al-Ard, Co. (Beirut: nd);
"Palestine into Israel," Uri Davis, Journal of Palestine Studies, Vol. III, No. 1 (1973);
"Arab Secondary Education in Israel," Ze'ev Schiff, New Outlook May, 1960;
The Literature of the Palestinian Resistance, 1948-1968, Ghassan Kanafani (Beirut: 1968)

45. "Palestine's Arab Population", A. B. Zahlan, Journal of Palestine Studies, Vol. III, No. (1974), p. 63.
46. "Arab Intellectuals are not Integrated," Atallah Mansour, New Outlook (June 1964), pp. 26-31.
47. Rosenfeld, op. cit. "Commuters and Entrepreneurs," Yosef Waschitz, New Outlook (Oct.-Nov., 1975), pp. 46-51.
48. Essays on the Israeli Economy, ed. Yusuf Shibli (Beirut: 1969), p. 87.
Y. Waschitz, op. cit., p. 48.
49. For example see:
"Palestinian Arab Villages in Israel," Edriss Khalidi, The Arab World (May-June, 1972), p. 26;
"Combating Unemployment in an Arab Village," M. Watad, New Outlook (May 1967), p. 52.
50. New Outlook (Jan. 1966), pp. 49-58.
51. Ha'aretz, 9/20/74 Weekly Supplement
52. Quoted in Said op. cit., pp. 26-28
53. Ma'ariv, 12/6/74, "This Weeks Interview" by Dov Goldstein
54. Betfutzot Hagola, No. 75/76 (Winter 1975)
55. Ha'aretz 12/13/74
56. See: for example "The Palestinians: A Plague Already Described in the Bible" in Yediot Aharonot, 12/20/74
57. See for example: 1) exchange of articles by Amos Berr-Vered and Dov Friedlander, Ha'aretz 12/1/77, 12/2/77, 12/19/77.
2) Jerusalem Post, 8/8/78, "Sharon: Can't Stop Expansion by Arabs
3) Ha'aretz, 5/10/78 "Double Natural Growth Rate for the Israeli Arab".
4) Ha'aretz, 5/24/78, "A Sociologist from Tel-Aviv"
58. Ma'ariv 9/9/77
59. Yediot Aharonot 1/9/79 "A Special Interview with the Chief of Staff Gen. Rafael Eytan".
60. al Hamishmar 9/7/76
61. Time Magazine, April 1, 1972.
62. "Ethnic Relations in Israel," People and Politics in the Middle East, ed. Michael Curtis (New Brunswick: 1971), pp. 45ff.

63. Palestine Human Rights Bulletin #10
64. Palestine Human Rights Bulletin #22
65. Palestine Human Rights Bulletin #15
66. Y ediot Aharonot, 9/8/78, "The Gush Enumin Peace Plan"
67. Palestine Human Rights Bulletin #15
68. Palestine Human Rights Bulletin #28
69. "Report to the Israeli League for Human and Civil Rights" by
Dr. Israel Shahak 5/20/80
and "Memorandum to All Members of the Knesset" from M.K. Uri Avneri
5/19/80
(these are printed in Shahak Papers #32)
70. Jerusalem Post 1/20/80, p. 5
71. "Such an Autonomy", Maclan Haze, 1/18/78

NATURE OF THE PALESTINE LIBERATION ORGANIZATION

Anatoly Agaryshev

The problem of ensuring the right of the Arab people of Palestine for self-determination up to the establishment of its own national state is one of the major components of the entire complex of issues related to the settlement of the Arab Israeli conflict. The events of the past three decades, recent years in particular, indicate that there can be no peace in the Middle East without a settlement of the Palestinian problem. Therefore, the whole system of the so-called "peaceful settlement" based on the Camp David accords ignoring the vital interests of the Palestinian people cannot ensure lasting and just peace in the Middle East.

In this context it will be most proper to recall the following statement by L. I. Brezhnev, General Secretary of the CPSU Central Committee, President of the Presidium of the USSR Supreme Soviet: "A question arises: isn't it time to stop the prolonged fuss around the anti-people policy of separate deals? Isn't it time to bring the Middle East settlement into the only right course -- a course of joint efforts of all the interested parties, surely, including the Palestine Liberation Organization?"

Further developments in the Middle East depend on the answers to these questions.

The Israeli course of continuing the occupation of Arab lands hampers the establishment of peace in the Middle East. The refusal of Israel, and consequently of the United States, to have delegates of the PLO -- the sole legitimate representative of the Palestinian people -- participating in the talks on general peaceful settlement in the Middle East is a major obstacle for these talks. Such position taken by Israel and the USA has practically led to the destruction of the UN elaborated instrument of the Middle East settlement -- the Geneva conference. It has resulted in shelving the major resolutions adopted by the General Assembly and the Security Council and dealing with ensuring the right of the Palestinian people to self-determination and peaceful settlement of the Arab-Israeli conflict as a whole. It has led the U.S. policy in the Middle East to a deadlock. For example, starting talks on the autonomy of the West Bank of the Jordan and Gaza in line with the Egyptian-Israeli treaty, the United States together with Israel counted on support of a part of local population. But no quislings were to be found among the Palestinians. The PLO appeared to be not in words but in deed the mouthpiece of the Palestinian people's political will to attain self-determination, its combat vanguard, the only organization capable of representing the people of Palestine. Numerous international documents confirm its right to represent the Palestinian people. This right has been repeatedly confirmed by the UN Secretary-General Kurt Waldheim. The PLO is a full and equal member of the Arab League. The rights of the PLO as the sole legitimate representative of the Arab people of Palestine have been

acknowledged at conferences of Arab leaders. The PLO has become subject of international law. Being the sole legitimate representative of the Arab people of Palestine it has already acquired the status of a UN observer. It has taken part in several UN Security Council Conferences and in the work of the UN General Assembly, and made its constructive contribution to the Middle East settlement. PLO representatives are recognised by and participate in the Non-Aligned Movement, the Organisation of African Unity and the Islamic Conference Organisation. The PLO takes part in the movement of solidarity with peoples of Asia and Africa. It is notable that the PLO has been recognised by twice as many states as Israel. 80 per cent out of the total population of the globe recognise the PLO. In Israel itself there are forces, such as the Communist Party of Israel, which recognise the PLO.

"I would like to stress that our legal status is not bound on international recognition," said the PLO Executive Committee Chairman Yasser Arafat in an interview to Soviet journal 'New Times'. "It was obtained by our people, through our struggle. Likewise, the Algerian revolutionaries represent their people, the patriots of Vietnam lawfully represent their people. The same is true with the Cuban revolutionaries and all other revolutionaries and freedom fighters all over the world. The basis of legality is our struggle." 1/

The U.S. refusal to recognise the PLO is an instant of Washington's traditional policy directed everywhere in the world against the national liberation movements.

Such a policy of the United States means infringement of the rights of the Palestinian people, acknowledged by the General Assembly resolution 3236 quoting the legitimate national rights of the Palestinian people, including its right to return, self-determination and creation of an own independent state in its own land. Recalled in this connection may be the decision of the "Committee of 23" organised at the United Nations. The very fact of having within the UN framework a committee to implement the inalienable rights of the Palestinian people is a weighty confirmation of wide international recognition of these rights. Therefore, by refusing to recognise the PLO and attacking it the United States is attacking the rights of the Palestinian people.

Included in the list of such attacks should also be various accusations of the PLO, spawning in the Israeli and American press.

These press organs are thus trying to picture the PLO as a "terrorist organisation". In this connection it would be proper to recall Yasser Arafat's answer to the "Washington Star" correspondents Murray Garth and Walter Taylor: "How can one say that people defending their own rights are committing an act of violence or terror. A real terror is occupation itself. I want peace, but a just peace, under which my people will not be oppressed and will not be under occupation. This is what peace really means. Otherwise it is capitulation." 2/

1. March 7, 1978

2. "Washington Star", August 24, 1979.

It is natural and it has been repeatedly stated in the UN documents that people under occupation has the right to resist it. According to the UN Charter and resolutions any people under occupation has the right to use every means to attain liberation, armed struggle included.

The fact that Israel has repeatedly committed acts of terrorism against Palestinian leaders should not be left without consideration either. In doing so the Israeli leadership proceeded from an ephemeral hope that it would succeed in crushing the Palestinian Resistance Movement.

Meanwhile, the right to self-determination, Israel and the USA would like to deprive the Palestinian people of, was granted to it by the UNO as far back as in 1947 when the decision was taken to subdivide Palestine into an Arab and a Jewish state.

This right was again confirmed by the UN General Assembly resolution of December 6, 1971, directly stating that the Palestinian people has the right to enjoy equality and self-determination and that only full respect of its legitimate rights can ensure guaranteed and just peace in the Middle East. 3/

It is natural that the Soviet state which from the first days of its existence came out in support of the right of the peoples to self-determination and granted this right to the peoples inhabiting it considers that it should also be granted to the Palestinian people. The USSR views the Palestinian Resistance Movement as a national liberation movement and proceeding from this builds its policy towards it.

Speaking of the Palestinian Resistance Movement as of a national liberation one we would like to stress specifically its wide popular footing. Coming to mind in this connection are words by V. I. Lenin, the founder of the Soviet state, that "all national oppression calls forth the resistance of the broad masses of the people; and the resistance of a nationally oppressed population always tends to national revolt." 4/

Another "pretext", besides accusations of terrorist activities, chosen by the US and Israeli propaganda to attack the PLO is its refusal to recognize Israel and resolution 242. It is moreover being stated that the PLO allegedly wishes the destruction of Israel. Often used to this effect is reference to pronouncements allegedly made by this or that Palestinian leader. It would not be out of place to recall in this context that the National Council of Palestine openly proclaimed at its three most important sessions in 1974, 1977 and 1979 that the goal of the Palestinian Resistance and the aim of the PLO is to create an independent Palestinian state, confirm the Palestinians' right to return to their native land and the right to self-determination. These rights were discussed and approved by the UN General Assembly in 1974 which was addressed by the PLO Chairman Yasser Arafat.

3. UNO document 2792/D, December 6, 1971.

4. V. I. Lenin. Collected Works, vol. 23 p. 61.

Any national liberation movement has got a history of its own and develops getting rid of certain wrong ideas and tactics turned down by the struggle experience. The Palestinian Resistance Movement is living through the same process.

The creation of the PLO in January, 1964 marked an important stage in the formation of the Palestinian Resistance Movement. In May, 1964, the first session of the Palestinian "parliament" -- the National Council of Palestine including representatives of various political, public and trade union organizations, was convened in the Arab sector of Jerusalem. In July, 1964, the Palestinian National Charter was proclaimed. In 1965 the regular Palestine Liberation Army was organized using many career officers who had served in the under-mandate Palestine's army. The army later became the military branch the PLO. In all its further activities the Palestinian Resistance Movement has been linked with the PLO. The latter has been naturally improving its structure and tactics, striving to acquire a mass character through the backing of the Palestinian people.

Realistic tendencies in the organization have been gradually strengthened and the PLO's political platform changed. These transformations have been accompanied by the riddance of extremist tendencies usually peculiar to revolutionary organizations and national-liberation movements at early stages.

The mass basis for the activities of the Palestinian Resistance Movement are refugees living in numerous camps in the territory of Jordan, Syria, Lebanon, Egypt and other Arab countries. According to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the number of Arab refugees registered by May 31, 1967, equalled 1,344,576.

In March 1971, the 8th Session of the National Council of Palestine adopted a resolution saying that the armed struggle waged by the Palestinians was "neither racialist nor religious struggle against Jews." The future state in Palestine should guarantee the rights and obligations of all its citizens and be of a democratic nature. The same resolution contained an article envisaging the necessary utilization of other forms of activities besides armed struggle. 5/

Starting from the early 70's the PLO leadership began widening its political links by establishing relations with political parties of different orientations. The resolutions of the 10th Session of the National Council of Palestine (April 1972) set a task of "forming a wide national front of all the forces struggling in the Palestine's territory." Carrying out this task the Executive Committee of the PLO took part in 1973 in the formation of the Palestine National Front aimed at bringing together all the forces coming out against the Israeli occupation of the West Bank of the Jordan and Gaza Strip in order to extend the struggle using political, military and other means available. 6/

5. "Programme of Political and Organizational Activities of Palestinian Revolution." Fath Publishing House, Beirut, 1971 page 13.

6. Ibid.

In August 1973, Palestinian representatives came out with the idea of preparing a concrete plan to establish national authority in any part of the liberated Palestinian territory. That was a new approach to the task of establishing the Palestinian state. It virtually signified the possibility of coexistence of the Palestinian state and Israel. This idea became strongly popular with the Palestinian Resistance Movement after the October War of 1973 when a road was opening towards a political settlement of the Arab-Israeli conflict. Israel in fact refuses to abide by resolution 242, giving it its own interpretation which secures the Israeli occupation of Arab lands. The essence of this interpretation lies in the refusal to withdraw the Israeli troops from the occupied territories.

Tel Aviv and Washington, while insisting on the recognition of Israel by the PLO, do not propose in return to recognize the PLO as the sole legitimate representative of the people of Palestine, to recognize the right of this people to self-determination.

All this indicates that Tel Aviv's refusal to start negotiations with the participation of PLO representatives on grounds that it does not acknowledge Israel's right to exist is purely a far-fetched pretext used to disrupt peaceful settlement. The aim of all these unseemly manoeuvres is to try to aggravate the Arab discord.

The Palestinian issue has been transformed from the problem of refugees into the problem of national self-determination of the people of Palestine. The solution is, therefore, to be looked for not only in resolution 242 but also on the basis of a complex of all the UN decisions, including the UN General Assembly resolution 3236 stating the necessity to coordinate action by all the participants. "In the opinion of the Soviet Government, when discussing the Middle East situation the Security Council should abide by its known resolutions and fully consider the decisions of the UN General Assembly dealing with the issue," says the Soviet Government's Statement on Middle East. 7/

In spite of this, the United States were deliberately pushing the Palestinian problem to the background. Objections by the USA and Israel kept the PLO away from the opening of Geneva Conference in December 1973.

Beginning from mid-70s the PLO started to abandon its predominant armed struggle orientation. Priority was now being given to political methods. During another visit of the U.S. State Secretary Henry Kissinger to the Middle East in February-March 1975, the PLO came out with a positive evaluation of the idea of the general Arab-Israeli settlement and sharply criticized Sadat's separate moves.

Newspaper "Falastin Al-Thawrah" wrote that partial withdrawal of troops should be backed by the programme of further evacuation of the Israeli troops from the occupied lands and the recognition of the rights of the Palestinian people. 8/

7. "Moskovskaya Pravda", January 10, 1976.

8. November 16, 1975.

In February-March 1975, the PLO not only sharply criticized Sadat's separate moves resulting in the signing of the Second Sinai Agreement extremely disadvantageous for the Arabs, but also came out with a positive evaluation of the idea of complex settlement of the Arab-Israeli conflict.

These provisions were elaborated by the 12th Session of the Palestinian National Council and strictly followed by the PLO. The 12th Session of the Palestinian National Council became a milestone in the history of the Palestinian Resistance Movement.

Advanced at the Session were the PLO's concrete proposals on the Palestinian issue. These proposals were formulated by the PLO's observer at the United Nations. They envisaged:

- full withdrawal of the Israeli troops from the Jordan's West Bank and Gaza Strip;
- Formation of the Palestinian national authority in the territories from which the withdrawal of the Israeli troops was completed;
- solving the refugee problem.

These proposals envisaged the PLO's possible participation in Geneva Conference. To this effect it was absolutely necessary that the PLO be recognised by the USA and Israel as the legitimate representative of the Palestinian people.

One can easily see that nothing is said in these proposals about the elimination of Israel. They express the necessity to establish a Palestinian state only in a part of Palestine's former territory. The part in question is exactly the territory designated by the UN decision to establish a Palestinian state.

It is known that Israel requires its recognition by the PLO as the necessary precondition for the talks. The PLO's flexibility manifested at the 12th Session, exactly when perspectives of peaceful settlement were opening, its willingness to start negotiations show that the question of Israel's recognition is a tactical issue. This has been stated by the Chairman of the PLO's Executive Committee Yasser Arafat in the interview to the editor of the "Washington Star" Murray Garth and correspondent Walter Taylor. ^{9/} The same thought is expressed in statements made by another important leader of the PLO Farouk Kaddoumi: "The question of Israel's recognition is our only trump-card. If we lose it, we shall lose everything." ^{10/}

A bit later Kaddoumi made this thought even more precise. In December 1975, he stated directly that Israel's consent to the establishment of Palestinian sovereignty on the West Bank and Gaza could lead to a change in the PLO's attitude towards the Israeli state. ^{11/} In his speech at 31st Session of the UNO he demanded that a Palestinian state be established on liberated territories.

9. "Washington Star", August 12, 1979.

10. "Newsweek", November 19, 1975.

11. "Times", December 8, 1975.

As it is seen, PLO's position on the issue of non-recognising Israel is not irreconcilable. It neither holds a negative stand towards the Jews. During the Civil War in Lebanon the PLO gave material aid to the Jewish colony in Beirut. The PLO called on the Arab states to specify in respective legislative documents the rights of local Jewish communities. 12/

It is especially noteworthy that the Palestinian Resistance Movement's constructive approach to the issue of Israel's recognition and a solution of the whole complex of questions related to the Mideast problem does not stem from some voluntaristic decisions by this or that leader or a group of people. This is a democratically elaborated policy. The Palestinian Resistance Movement's major decisions are taken by a majority of vote at Congress of the Palestine National Council, a "parliament" formed by representative of all the groups of the Palestinian population in the occupied territory and outside. As it is seen, practical grounds were being created in 1975-1976 to achieve an all-embracing peaceful settlement. But that was exactly the cause of fear for Israel which assisted in unleashing the Civil War in Lebanon. The aim of the war was to try eliminate or, at least, weaken the Palestinian Resistance Movement. When the armed struggle in Lebanon was temporarily halted, Israel, pursuing the same goals, staged a direct aggression in the Lebanon's South, an aggression which is practically under way up to now. In doing so Israel is perfidiously violating the United Nations' decisions taken to achieve stability in the Lebanon's South, is encouraging and staging armed provocations against the UN troops stationed there.

It would be appropriate to recall that the United States has been inconsistent in its attitude towards the PLO. While exercising a pro-Israeli stand on the issue President Carter at the same time mentioned in March, 1977, the necessity of establishing a homeland for the Palestinians. 13/ Later on, both the Department of State and President Carter had to put themselves right with the Israelis, saying that what was meant was not the establishment of an independent Palestinian state and that the U.S. attitude towards the PLO did not change.

It is notable that even clearly seeing the real aims of the U.S. Administration's gestures towards the Palestinians, directed at obtaining the Arab consent to the U.S. plans of settlement, Yasser Arafat positively evaluated the above-mentioned statement by President Carter. 14/ This is indicative of the PLO's wish to achieve peaceful settlement.

The 13th Session of the Palestine National Council (March 12-20, 1977) adopted a 15-point political programme stating the principles and goals of the Palestinian Resistance Movement. 15/

-
12. "Al-Ahram", January 29, 1977.
 13. "New York Times", March 17, 1977.
 14. Ibid, March 30, 1977
 15. Barnamaj Al-Thawrah, Dahr Al-Nashr "Falastin Al-Thawrah", Beirut, 1972.

The programme included a provision stating the necessity to develop contacts and coordinate actions in Israel and outside with the European forces which come out in support of a peaceful settlement of the Mideast conflict.

The 13th Session formulated the conditions on which the Palestinians were ready to participate in peace talks. The Palestine National Council insisted that the talks be of an all-embracing and constructive character and that the PLO take part in it from the very start. The Programme stated that the Palestinians' goal was to establish their national state on any territories liberated from the Israeli occupation.

As it is seen, Israel's right to existence was not argued by either Palestinian leaders or the major documents of the Palestine National Council and the Palestinian Resistance Movement.

The PLO's positive approach to the issues of the Mideast settlement is manifested by its active support of the Joint Soviet-American Statement of October 1, 1977.

However, from its very inception the PLO exercised a principled stand on the issue, coming out against all sorts of attempts to embark on the road of a separate solution of the Middle East problem. For example, the PLO's Executive Committee was one of the initiators of the Arab States Summit Conference which took place in Tripoli (Libya) in December, 1977. The Conference planned concrete steps to isolate Sadat who had made a trip to Jerusalem. It also laid the foundation of the Front of Steadfastness and Confrontation.

The U.S. diplomacy responded to the result of this work by a sharp anti-Palestinian campaign. Thus, a conclusion could be made that the USA primarily cared about the promotion of their plans and not the solution of the Middle East problem. The plan of "autonomy" of the West Bank and Gaza put forward by Zbigniew Brzezinski in December, 1977, as well as the refusal to recognise the Palestinians' right to self-determination bluntly expressed during negotiations with Egypt, clearly showed that the United States was openly supporting Israel to the detriment of the elementary interests of the Palestinians and Arabs as a whole.

The U.S. unambiguous policy has prompted the upsurge of Israel's military adventures. On March 15, 1978, a 30 thousand strong Israeli army invaded the South of Lebanon. Israeli generals did not conceal the fact that the aim of the intrusion was to destroy the PLO leadership, suppress the Palestinian Resistance Movement and eliminate it as a political factor.

In September 1978, a "tripartite" Camp David collusion took place. Immediately after signing the Camp David agreements Prime Minister Begin declared that Israel would retain the control over the West Bank of the river Jordan and the Gaza Strip and would never allow the establishment of a Palestinian state. 16/

16. "Jerusalem Post", September 19, 1978.

Such a stand and the situation after the signing of the Camp David agreements inevitably led to a more aggravated confrontation. The Palestinians realized that the Sadat regime not only betrayed them and disassociated itself from the joint Arab struggle, but also expressed its readiness to join the USA and Israel in their attempts to suppress the Palestinian Resistance Movement.

Indeed, the documents signed by President Carter, President Sadat and Prime Minister Begin testified that the aim of the deal was to produce an illusion of the Mideast conflict being settled. In real fact, this was an attempt to consolidate Israel's occupation of Arab lands and bypass the solution of the Palestinian problem. President Sadat has cynically violated the decisions of the Rabat Conference, having broken his own obligation to regard the PLO as "the sole legitimate representative of the Palestinian people".

The Executive Committee of the PLO issued a statement resolutely turning down the tripartite deal and stressing that the Camp David agreements contradict the UN Charter and all the resolutions of the UN General Assembly on the Palestinian issue.

The PLO was one of the initiators of the Steadfastness Front Countries Summit Conference in Damascus (October, 1978) which decided on isolating the Sadat regime in the Arab world. Some of the decisions taken by the Conference were supported a month later by the All-Arab Summit Conference in Baghdad. The 14th Session of the Palestine National Council which was held in February 15-23, 1979, in Damascus turned down the plan of the so-called Palestinian "autonomy" as part of the Camp David deal.

Earlier Yasser Arafat warned that having signed the Camp David agreements President Carter "jeopardizes the American interests in the Middle East. 17/

Rejecting the Camp David agreements and the "autonomy" plans the Palestinian people correctly view them as a manoeuvre to perpetuate the seizure of Arab lands by Israel, prevent the establishment of an independent state of the Arab people of Palestine and turn the area into a strongpoint of the American domination in the Middle East.

Under the cover of "autonomy" talks Israel commits disgraceful crimes against the Palestinian people. All those who cherish democracy and human rights, Washington is so "anxious" about, should get indignant over the assassination attempts organized by the Israeli authorities and their secret services against the Palestinian mayors of Nablus, Ramallah and El Bireh. Actually, these assassination attempts are staged by people patronized by Washington. President Sadat became an accomplice in this crime. Terror is needed by the Israeli authorities to speed up the seizure and development of Arab lands.

17. Al-Baas, Damascus, September 19, 1978.

The final document of the 14th Session of the Palestine National Council, the Programme of the PLO's Political Activities, which became a follow-up of the 15-Point Political Programme" adopted at the previous session, called for the prevention of "autonomy" in the Palestinian land. The Palestine National Council issued a call to rally around the PLO and give a rebuff to all the attempts to split the ranks of the Palestinian Resistance Movement. The Programme stated the support of the Front of Steadfastness and Confrontation.

The PLO has done a great job to prevent the approval of the Camp David agreements by the other Arab states. The very fact that such countries as Jordan and Saudi Arabia, considered to be the U.S. allies, denounced the Camp David agreements testifies to the prestige of the PLO and its leader Yasser Arafat.

The Programme of the 14th Session of the Palestine National Council proved its loyalty to the United Nations' decisions, in particular, to the resolutions 3236 and 3237 of the UN General Assembly.

However, the warnings to the Sadat regime proved to be futile. On March 26, 1979, a separate Egyptian-Israeli "peace" treaty was signed in Camp David. It was qualified by the Palestinians as Sadat's final betrayal. The issue in question were attempts to establish a military-political bloc under the aegis of the United States in the Middle East, directed at the suppression of the Arab national-liberation struggle and primarily against the Palestinian people.

In the tense situation resulting from the Camp David deal the Palestinian Resistance Movement envisaged the necessity to strengthen the national unity by introducing the PLO Executive Committee representatives of all the Palestinian organizations, including those previously not organic to the Palestine Liberation Organisation. Thus, even the part of the Palestinian Resistance Movement which previously considered it impossible to achieve a just settlement through political means gave up its objections and supported the political platform of the PLO Executive Committee.

In April, 1979, the PLO Central Council declared that the top priority task of the Palestinian Resistance Movement was to undermine the plan of establishing "autonomy" on the West Bank and Gaza Strip. It is necessary in this context that the world public opinion acknowledge a simple though important fact: a loss of perspective to exercise the right to self-determination by the Palestinians and to the establishment of their own national state not only enhances their resistance but also gives rise to despair naturally stimulating the armed struggle in the occupied territories, which the Israeli authorities call "terrorism".

It should be noted that the signing of the Camp David agreements followed by the Egyptian-Israeli Peace Treaty coincided in time with the collapse of the Shah's regime in Iran (February, 1979) which, along with Israel, used to be the conductor of the American policy in the Middle East. The revolution in Iran resolutely supported the Palestinian people's struggle for its rights.

The Palestinian problem has today become the pivot of the Mideast settlement, while the PLO has turned into one of the most active participants in the Middle East events, without which it is impossible to establish a lasting peace there.

It should be stressed in this context that the PLO is directing its major effort at the mobilization of the Arab world to confront the Camp David plans, and at isolating the Sadat regime. The PLO considers that these agreements are directed at perpetuating the Israeli occupation and at freezing the Palestinian issue. At the Baghdad Summit Conference of Arab States, the participating Arab countries undertook under the influence of the PLO to exercise all-round support to the Palestinian people in its struggle for the legitimate national rights.

The same conference worked out a programme of sanctions against Egypt, which became effective after the signing of the separate peace treaty. All this testifies to the PLO's great influence in the Arab world.

The PLO's political activities in the world arena have also been upgraded. Having discussed the report by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the 33rd Session of the UN General Assembly on December 7, 1978 adopted a resolution on the Palestinian issue. This UN resolution confirmed once again that a just and lasting peace in the Middle East cannot be established without solving the Palestinian problem on the basis of implementing the inalienable rights of the Palestinian people, including its right to return to the native lands, the right to Palestine's national independence and sovereignty. The Session confirmed once again the invitation given to the PLO to represent the Palestinian people at all the Middle East discussions sponsored by the United Nations. A special item of the resolution stipulated that agreements directed to a solution of the Palestinian problem are valid exclusively when they are achieved within the UN framework and based on its resolutions.

Another UN resolution "On the Situation in the Middle East" adopted by the same session of the UN General Assembly condemned the occupation of Palestinian and Arab lands continued by Israel in violation of the UN Charter, its resolutions and the principles of the international law. The resolution states that a settlement of the Middle East problem should be based on the all-embracing decision under the UN aegis. This decision should consider all the aspects of the Arab-Israeli conflict, in particular the exercise of the inalienable rights of the Palestinian people and the withdrawal of the Israeli troops from all the occupied Arab territories.

All these facts, especially the political activities of the Palestinians in the world arena, primarily in the United Nations, indicate that the attempt of the Zionist propaganda to depict the Palestinians as "terrorists" is baseless. This is proved, in particular, by the cooperation which established in Lebanon between the PLO and UN peace-keeping forces. These are activities by the Israelis and right-wing Christians which can rather be called terroristic.

They prevent the UN forces in that country from carrying out their mission and have led to the deaths of UN employees.

In March, 1979, the UN Security Council adopted by the majority of 12 votes (The U.S.A., Great Britain and Norway abstained) a resolution denouncing the policy and practical steps by Israel to build settlements in the occupied Arab territories. In March, 1980, the UN Security Council unanimously adopted the full text of the UN Security Council resolution 465, stressing that Israel's measures to alter the physical character, demographic composition, organizational structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem or any other part, are legally invalid, and that Israel's policy and practical steps to settle groups of its population and new emigrants in these territories constitute a rude violation of the 4th Geneva Convention on the protection of civilian population during war, and have become a serious obstacle on the way to the establishment of an all-embracing, just and lasting peace in the Middle East.

The PLO's political activity is not limited by the UN framework. The resolution adopted by the 10th Session of the Conference of Foreign Ministers of Moslem States in Fes (Morocco, May, 1979) contained the decision to stop Egypt's participation in the Islamic Conference, since the Sadat regime by concluding separate deals prejudiced the interests of the Arab and Moslem countries. In a special resolution on Palestine Moslem countries stated their resolve to support the struggle of the Palestinian people for its rights under PLO leadership, and reaffirmed the right of the Palestinian people to establish its own independent state.

In September, 1979, the 6th Non-Aligned Summit Conference in Havana attended by a PLO delegation headed by Yasser Arafat, took important decisions supporting the inalienable rights of the Palestinian people, denounced the Camp David agreements and decided on the establishment of a special committee to study the question of Egypt's further participation in the Non-Aligned Movement.

The recent 7th Extraordinary Special Session of the UN General Assembly has adopted a new resolution in support of the inalienable rights of the Palestinian people.

The resolution demands that Israel should start before November 15, 1980, a general and unconditional withdrawal from all the territories occupied since 1967. It expresses its denunciation of any policy or plans directed at settling the Palestinians outside their native land.

The decision of the Israeli Knesset to annex Eastern Jerusalem and proclaim this city the one and indivisible capital of Israel has become a crying violation of the international law and UN resolutions, another rude challenge to the peoples of the Arab and Moslem countries, to the entire international community.

We think that time has come to take resolute steps and make the aggressor consider the UN will. Let those who will again refuse to satisfy the UN demands and those who support the aggressors, thus preventing the implementation of the UN resolutions, know that they are being condemned by the world community. If Israel again refuses to satisfy the UN demand, the adopted resolution says, it will become necessary to convene the Security Council in order to study the situation and take effective steps in compliance with Chapter 7 of the UN Charter.

Ladies and gentlemen,

The analysis of the PLO's activities made in this report prompts the following conclusions:

1. The Palestinian issue is pivotal to the solution of the Middle East problem as a whole. It is impossible to achieve just and lasting peace in the Middle East without securing the right of the Palestinian people to national self-determination and sovereignty.
2. The analysis of discussions on the problem of the Arab-Israeli peaceful settlement proves again that peaceful settlement in the Middle East should be based on the principle of non-acquisition of new territories through wars, on the right of all the states of the region to independence and security. It is obvious that its inalienable rights should be guaranteed to the Palestinian Arab people, including its right to self-determination and establishment of its own state.

Peaceful settlement should envisage the withdrawal of the Israeli troops from all the Arab lands occupied in 1967. Respective border lines between Israel and its Arab neighbours participants in the conflict, should be strictly specified. These borders should be proclaimed final and inviolable.

We proceed from the idea that as soon as the withdrawal of the Israeli troops is over, the war between the Arab states participants in the conflict, and Israel will be stopped and relations of peace established. All the countries involved will take mutual obligations to respect sovereignty, territorial integrity, immunity and political independence of each other, to resolve all their international conflicts through peaceful means.

3. The Palestinian problem cannot be resolved without considering the will of the Palestinian people who believe the PLO to be their sole legitimate representative.
4. The Camp David agreements hamper the peaceful search of a solution to the Middle East problem and complicate still more the Mideast situation fraught with explosion. Therefore, all those who are interested in the establishment of lasting and just peace in the Middle East should look

for it not among separate deals but in an all-embracing peaceful settlement with the participation of all the interested parties, PLO representatives included.

5. The Palestinian problem should be resolved in compliance with the complex of Middle East resolutions adopted by the United Nations Security Council and General Assembly

THE DEVELOPMENT OF PALESTINE LIBERATION ORGANIZATION PEACE POLICY

Hisham Sharabi

National liberation movements are a uniquely late twentieth century phenomenon. They are a product of colonialism and the means that end the age of colonialism.

A national liberation movement is not constituted in the way a political party is; it is the outcome of struggle. Its emergence represents a turning point in the struggle for liberation. It creates the national front, ends factionalism, and rationalizes the revolution - politically, militarily, administratively. In almost every instance the revolution reaches its irreversible turning point when the national front - or its equivalent organization - comes to being.

The national liberation movement is different from the movement of bourgeois nationalism in two basic respects: it is a grass-roots movements encompassing the totality of the population, and it is a radical movement regardless of its ideology.

From the moment it is formed the national liberation movement acts as though it has State power. It is indeed already a de facto government, and acquires a distinctive diplomacy and the ability and power to negotiate the end of the conflict.

Initially, in practically every instance the colonial Power refuses to recognize the movement of national resistance at precisely the moment it is transformed into a unified national authority. Instead it denounces it as lawless rebellion, as terrorism, etc., and hurls itself against it with all the power at its disposal. However, the inevitable failure at repression leads the colonial Power to seek an alternative national leadership, one which is "moderate" and "reasonable". This has happened in the case of Algeria, Viet Nam, Angola, Zimbabwe. At present Israel (and the United States) is at this stage - of seeking a substitute interlocuter to the Palestine Liberation Organization. Israel refuses to recognize the PLO and denounces it as a terroristic group. When this eventually fails, as it inevitably will (as has happened in similar situations in the past), the stage will finally be set for Israel to face the reality of the situation. The PLO, as in the case of every national liberation movement in the past, will be recognized for what it is - the sole legitimate authority with which alone agreement can be reached to end the conflict.

This basic pattern of decolonization has its classic model in the case of Algeria, and its latest example in the Rhodesian experience - where the attempt to set up a substitute leadership appeared successful for a while, until subsequent developments forced negotiations with the genuine revolutionary leadership.

In the last 30 years no national liberation movement has enjoyed the recognition and support which the Palestine Liberation Organization has so far received. Nor has any revolutionary cause occupied so much attention with so much intensity and for such a long time as has the Palestinian cause.

Contrary to its image in the United States, the uniqueness of the PLO lies not in its terrorism but in its democracy. The Palestinians, despite their dispossession and dispersion, exercise today probably the only functioning democracy in the Middle East. And the real power of the PLO derives not so much from its arms as from its ability to grow and to endure and to draw together all the Palestinians within its broad framework.

The National Charter of the Palestine Liberation Organization, like all democratic constitutions, vests all power in a national assembly (The Palestine National Council) composed of representatives of all segments of the Palestinian people, including after 1967 the guerrilla organizations. The policy guidelines for its executive body, the Executive Committee headed by Yasser Arafat, is set forth at the regular yearly sessions of the PNC. The Executive Committee itself is composed of a broad cross section of the PNC and is responsible directly to it. This is why the PLO has not deteriorated into a dictatorship and has remained a functioning collective leadership.

As such, it represents perhaps the most advanced example of the non-territorial State. Since its establishment in 1964, and particularly since its reorganization after 1967, it has developed into a full-fledged government-in-exile, with extensive administrative machinery alongside its military and political structure. Some of the health, educational and social services it provides to the Palestinian people rival those of any State in the area. According to a study commissioned by the Journal of Palestine Studies, the number of Palestinian university graduates by 1971 exceeded per capita that of any Arab country.

The PLO enjoys a special status in the Arab world, and disposes of privileges which few national liberation movements have known. It has observer status at the United Nations and participates fully in all international conferences. Most countries of the world, including several European countries, have accorded it recognition and allowed it to open information and political offices in their territories. The PLO is a full member of the League of Arab States and is formally recognized as the "sole, legitimate representative of the Palestinian people". It has received similar recognition from Islamic and non-aligned States.

The enormous strength which the PLO has in the Arab world derives from the fact that the Palestinian cause is a Pan Arab cause and not merely a Palestinian cause. For 30 years the question of Palestine has been the central issue of all the Arab people, and a major factor in the internal politics of Arab countries. Arab commitment to the Palestine cause has provided the PLO with the kind of political and material resources that probably no national liberation movement anywhere else in the world has ever enjoyed. Moreover, the Palestinian question also occupies a special place in the Muslim world, with political implications - particularly where it affects Jerusalem - little appreciated in the West.

For the PLO, as for all national liberation movements, the means of struggle, as well as the goals of its successive stages, are determined by concrete circumstances and internal considerations. A major factor determining PLO policy and goals has been its perception of the intentions of its adversary. These may be summarized as follows:

1. Israel is the product of military conquest and the illegal expropriation of Palestinian homes and property.
2. Israel refuses to implement United Nations resolutions and to allow the return of the Palestinians to their homes and property because its aim is to keep the territories it now occupies and expand beyond them.
3. Israel refuses to recognize the Palestinian people because its aim is to prevent under any circumstances the emergence in Palestine of an independent Palestinian political entity or State.
4. Israel refuses comprehensive settlement because so long as it is able to impose its will any arrangement it may agree to will only be an interim arrangement.
5. Israel will continue to uproot and expel Palestinian people from their land with the ultimate goal of liquidating them.

This last point is seen in the light of Zionist doctrine and practice as well as in the light of its possession of nuclear and biological weapons. Its Massada complex is a product not only of Jewish experience but also of Israeli actions in Palestine. Unlike any other settler community, it has no mother country to provide ultimate refuge. In view of this both its capacity for genocide and for self-annihilation become more comprehensible.

Obviously, the alternative to a zero-sum solution which the struggle for Palestine presents is one based on some form of Arab-Jewish coexistence. The PLO has moved toward such a solution beginning in 1969, and in the course of the last six years it has won overwhelming international support.

In putting forward its policy of peace, the PLO has made it clear that a just and lasting solution cannot be achieved either by a separate deal or on the basis of the fait accompli, but on comprehensive settlement derived from international legality. Over the last 33 years the international community has spelled out the principle of such a basis: central among these principles are the Palestinians' right of return, the inadmissibility of the acquisition of territory by military conquest and the right of the Palestinian people of self-determination.

The right of return is from the Palestinian point an inalienable right. Whether in practice all Palestinians, or only a small minority of them, will choose to return to their homes and property in Palestine (rather than receive compensation) is not the issue. The real issue is recognition of their inalienable right to make the choice (inalienable here meaning that it is a right which cannot be given up or terminated). Arguments against repatriation based on lack of space

and resources in Palestine, or on social and political considerations, cannot affect the basic principle of right. The familiar Zionist argument that the Palestinians' return to their homes and property would change the "Jewish character" of the State, is unacceptable. The term "Jewish character" is a Zionist term which reflects the discriminatory character of Israeli perception and law, which is in violation of human rights. As a distinguished international lawyer put it, "The United Nations is under no more a legal obligation to maintain Zionism in Israel than it is to maintain apartheid in the Republic of South Africa". 1/

The inadmissibility of the acquisition of territory by force is another basic consideration. This applies to Israel's fait accompli in the West Bank and Gaza, as well as in Jerusalem and the Golan. The Zionist position on Jerusalem epitomizes the Israeli attitude generally: its refusal to see the world in terms other than its own; its blindness to the rights of others; its suicidal tendency, when hard pressed, to shut off external reality. Thus, for example, Israel persists - despite world-wide opposition - in dealing with Jerusalem and the settlement question as "established facts", i.e., as non-negotiable issues which neither the Palestinians nor the rest of the world have any right to contest.

Finally, regarding the principle of self-determination, PLO policy has been firmly based on Article 51 of the United Nations Charter, which clearly states that where a people has been denied its right to self-determination by armed force it has the right to regain it by all means including armed struggle. The PLO has taken up arms against Israel under precisely these conditions, to achieve precisely these goals: to regain its right to self-determination and to end Israel's military occupation.

It is important to note that this policy has not been made by any one individual or group within the PLO. It is, rather, the outcome of a long and terrible experience, and of analysis and debate within the Palestinian leadership. In 1964, the aim of the PLO as put forth by the National Charter simply stated that it was "the liberation of Palestine". 2/ In this unqualified formulation the National Charter reflected the condition of the Palestinians - their state of agony, abandonment and despair.

The emergence of the guerrilla movement to dominance after the 1967 war, which restored Palestinian confidence, brought about a new formulation of policy. The goal of liberation was now expressed in new, positive terms: "the establishment of a free democratic society in Palestine composed of Palestinian Muslims, Christians and Jews". 3/ The Jews, for the first time in the history of the struggle, were formally included in a solution that acknowledged their equal rights in Palestine.

1. United Nations, "An International Law Analysis of the Major United Nations Resolutions Concerning the Palestine Question" (ST/SG/SER.F/4) p. 37.

2. Arts. 12, 13, 14.

3. PNC, Political Program (Fifth Session, 4 February 1969).

Unattainable as the goal of a democratic binational State may now appear, it represented the first genuine possibility of settlement based on reconciliation rather than a displacement of one community by the other. Psychologically - as well as politically - the concept of the democratic State brought about a qualitative change in Palestinian thinking about eventual settlement, and the idea of Arab-Jewish coexistence has become a basic element in it ever since.

However, the total cynicism with which Israel received the idea of a democratic State eliminated the possibility of exploring it in any depth, and as a result it has remained a largely opaque, undeveloped concept. In occupation of an area three or four times its size (of the de facto 1948 boundaries), Israel was in no mood for talk about coexistence and reconciliation. It is responsible for the scuttling of a historic opportunity, one providing perhaps the only possible humane solution of the Arab-Israeli conflict.

The final refinement of PLO policy took place shortly after the 1973 war. It represented a move away from the rejected idea of democratic State (without formally abandoning it) and toward the concept of a separate independent Palestinian State. This was the result of much debate in Palestinian circles and in the twelfth PNC held in Cairo in June 1974. The new policy was now phrased in such a way as to make it acceptable to the broadest possible constituency: "to use all means, above all armed struggle, to liberate Palestinian soil and to set up on any part of it which is liberated the militant national authority of the people ..." ^{4/} (national authority was understood to mean "State"). Opposition to the new policy, however, persisted and a "rejection front" emerged. Still the PNC approval of the political programme embodying the Palestinian State concept made it official PLO policy. And when Chairman Arafat addressed the United Nations General Assembly later that year, he referred to the secular, democratic State as only a "dream", and opened the door for a peace based on the establishment of an independent Palestinian State in Palestine. "Today", he concluded, "I have come bearing an olive branch and a freedom fighter's gun. Do not let the olive branch fall from my hand." ^{5/}

As the formulation of PLO policy gained clarity and precision, it also gained strength and enhanced prestige for the PLO. At the Baghdad Arab summit in 1977, the Arab States adopted the PLO position and thus, for the first time in 30 years, agreed on a principle of settlement of the Palestine problem.

Today, despite all these transformation, the peace settlement still seems out of reach, due in part to Israeli intransigence, but also to United States efforts to achieve settlement outside the United Nations framework, on the basis of a separate deal between Egypt and Israel and the exclusion of the PLO.

4. PNC, Political Program (Twelfth Session, 1/6 to 8/6 1974)

5. Verbal text, United Nations document A/PU. 2282, p. 51

From the start the PLO's position regarding this American initiative was clear: it rejects the Camp David framework because it ignores Palestinian rights and because it seeks agreement outside the United Nations framework. Any agreement arrived at within the Camp David framework would, in its view (and that of most Palestinians), only extend indefinitely Israeli control over the West Bank and Gaza. The PLO has called, therefore, for replacing the Camp David process by genuine negotiations within the United Nations framework. Mr. Arafat has also asked the Arab Governments to take a more determined stand on the Camp David process at the next Arab summit meeting to be held next November in Amman. He called on the Arab oil-producing States to use all means at their disposal, including those of energy and finance, to further the cause of the Palestinian people.

Not only have hopes for a just and lasting peace which Chairman Arafat expressed six years ago not been fulfilled, but a dangerous turning point has now been reached. Failure to find an avenue to peace in the next few months is likely to affect the viability of the status quo in the Middle East and to create a situation of severe international crisis. Israel still insists on imposing its will by conquest and repression, forgetting that the possession of nuclear and biological weapons cannot forever remain the exclusive monopoly of any one country. This is why there is general agreement in the Middle East among observers that the next conflict is likely to be of a different kind, one which could bring about unpredictable results to the region and to the world.

THE NON-ALIGNED MOVEMENT AND THE INTERNATIONALIZATION
OF THE PALESTINE QUESTION

A. W. Singham*
and
Shirley Hune**

If one were to examine any of the major issues that have confronted the world political system since World War II, it becomes obvious that the Non-Aligned Countries have played a significant role in shaping the outcome of these issues. The Non-Aligned Movement unfortunately has been ignored by the dominant intellectual tradition in the world today, namely the Western tradition for both political and intellectual reasons. Hence, if the Non-Aligned Movement is to assume its rightful place as a genuine and important international social movement it is imperative that the scholarly tradition within the Non-Aligned Countries undertake the task developing not only a body of empirical studies, but also a series of general theoretical propositions that explain the character of the movement and its impact on the international system. The purpose of this article is to examine the role played by the Non-Aligned Movement in shaping the debate about the Palestinian question and how it has dramatically affected the outcome of debates in most international organizations and especially at the United Nations. This paper will rely entirely on the official publications of the Movement, especially the summit declarations between 1961 to 1979.

One of the significant characteristics of this movement has been its capacity to absorb countries with diverse ideological orientations and varying relationships with the major powers of the world and involve them as integral members of the movement. It includes, for example, the Marxist-Leninist states as well as pro capitalist and pro Western states. The term non-alignment has often led individuals incorrectly conclude that the purpose of the movement is to maintain neutrality on all questions of world politics. In essence, this is an international social movement that acts as a coalition in world politics and that comes together when members are united on certain given issues. The degree and extent of the cohesion naturally will depend on the specific issue that is being discussed. The movement has historically adopted

* A. W. Singham has been involved in the study of the Non-Aligned Movement since 1975. He is now completing a major study for UNITAR entitled, "The Non-Aligned Movement in a World of Alignments", forthcoming. He has completed two books on the subject, From Bandung to Colombo: Conferences of the Non-Aligned Countries, 1955-1975 (N.Y.: Third Press Review, 1976) with Tran Van Dinh and The Non-Aligned Movement in World Politics (Westport, Conn.: Lawrence Hill and Co., 1977) and over a dozen articles in a number of international journals.

** Dr. Hune has also completed a study on women and the Non-Aligned Countries, see "The Non-Aligned Movement and Women's Equality," Man and Development Chandigarh, India: Centre for Research in Rural and Industrial Development, Vol. 2 (March 1980): 64-75.

consensus as a method of decision-making, thus eliminating the possibility of fundamental schism between members. Thus the Non-Aligned Movement has been able to maintain a broad unity that tends as a result not to take up issues that will self-consciously divide and destroy the Movement.

The Movement strives to put into practice its most prevailing principles, namely that it is a movement that works within the framework of "unity in diversity". This principle of maintaining unity within diversity naturally leaves it open to constant conflict and subversion, especially when the national interests of particular nations supersede the interests of non-alignment as such. The Movement has found itself divided on specific issues such as Western Samoa, but has remained united on the broader and more fundamental issues which we will now proceed to discuss in this paper. The basic principles of non-alignment can be traced to a large extent to the first meeting of Afro-Asian peoples in Bandung. These principles include the following:

1. The right of self-determination of all colonial peoples and the right of equality between all races in the world;
2. commitment to peace, especially to disarmament as the method by which tensions between the major powers can be reduced;
3. an interests in restructuring the existing international economic order and especially to reduce the growing inequality between poor and rich nations;
4. a need for restructuring the existing information and cultural system; it has opposed in particular the cultural imperialism and information monopoly of Western nations;
5. and finally, the Movement has constantly sought to utilize the United Nations system as the most appropriate organization to deal with all global issues and hence has resisted any effort at institutionalizing its own movement at the expense of the United Nations system.

Since its formation, the Non-Aligned Movement has guaranteed and greatly facilitated many of the former colonies into becoming independent entities in the world system. At Bandung in 1955 a number of Asian nations were linked with a few African nations. But by 1961 at the Belgrade Summit the Afro-Asian nations were linked also with the nations of Latin America and Europe. Thus by 1961 the Non-Aligned Movement had indeed become an international social movement which gave legitimacy to one of the most important struggles of the twentieth century, namely the struggle for political liberation of Africa, Asia and Latin America. The struggle for African independence for example, is associated

with two other major principles of non-alignment, namely the principle of self-determination and the principle of racial equality. In Africa the great battle for racial equality is still being waged and these two principles of self-determination and racial equality are being blatantly violated by the existing Republic of South-Africa. The Non-Aligned Movement thus supports the struggle of people to conduct wars of national liberation which in turn could result in the establishment of independent states. It is often erroneously concluded that the Non-Aligned Movement is essentially a pacifist Movement in world politics. It is important to note that the Non-Aligned Movement makes a distinction between the various types of confrontation that occur in the world. These confrontations include (1) confrontation between the major nuclear powers; (2) wars for the right of self-determination and independence; (3) internal civil wars resulting in secessionist movements; and (4) armed conflicts between member nations that result in these nations becoming involved in the conflicts between major powers. Unfortunately, very little theoretical work has been undertaken to distinguish between these various types of wars in world politics, especially how individuals arrive at their decision to either support or oppose a particular war. The Non-Aligned Countries arrived at these distinctions on an individual basis, namely in response to each conflict. With regard to the first confrontation, namely the confrontation between major powers, the Non-Aligned Countries have tended to rely on the United Nations system to develop both strategic and practical ways by which such confrontations can be avoided. In fact, non-aligned countries have always insisted that the United Nations should become the basis for providing a resolution for conflict between the major powers in order to avoid a nuclear holocaust. The difficulty, however, arises with regards to the second type of war, namely the war of national liberation and the legitimacy of supplying arms especially to liberation movements.

One issue that has consistently attracted attention of the Non-Aligned Movement has been the issue of Palestine. The Palestine question, however, was not viewed simply as a colonial question or as a refugee problem. The Palestine question has proved to be without a doubt the most difficult question ever faced by the Movement, particularly since it affects all the principles of non-alignment that we have identified before. For example, the Palestine question has played a critical role in affecting the relationships between the major powers, especially because of the possibility of the region becoming the arena for nuclear confrontation. Furthermore, the Palestine question has resulted in the militarization of the entire region and presents a severe threat to world peace. In an era when even the smallest islands of the Caribbean and the Pacific have been able to win their independence, the Palestinian people remain one of the last peoples on earth without a homeland or without the right of self-determination. Thus the Palestine question has put to severe tests the whole raison d'être of the Non-Aligned Movement. The Palestine question has also raised another perennial concern of the Non-Aligned, namely, the

struggle for racial equality between the various races of the world. The majority of the Non-Aligned Countries have come to the conclusion that Zionism must now be equated with racism as an exclusionary doctrine that divides the peoples of the world into arbitrary categories. They are particularly concerned that the Palestinian people will remain outside the body politics of their own country and be excluded on religious and racial grounds from participating as equal citizens. Indeed even on the question of economics the Palestinian question has become pivotal, for Palestine is located in an area that provides the world with much of its energy resources. Hence the discussion about the search for a new international economic order, especially an economic order which will be conducted under conditions of world peace, cannot take place unless this particular dilemma is resolved. Finally the Palestine question has raised certain basic questions about the future of the Movement itself, especially the capacity of the Movement to provide military support to its fellow members to resist attack from non-Non-Aligned Members. It should be noted that in the Middle East one of the founding members of the Non-Aligned, Egypt, was militarily attacked by Israel and indeed all states within the region face the constant possibility of being militarily annihilated by an aggressive power. Thus for the Non-Aligned Movement the question of Palestine is deeply tied with questions of the survival of nation states within the region who are members of the Movement. A number of them have noted, for example, that the military venture on the part of Israel in the Middle East has resulted in the dismembering of at least two nations who are members of the Movement, namely Lebanon and Jordan. Thus the Palestinian question has affected many of the fundamental principles of non-alignment and has indeed raised the question about the capacity of the Movement to implement its objectives if it is still unable to resolve this crisis.

It was originally hoped, especially by the Western powers as well as by a number of other nations, that the Palestinians would eventually disappear in world politics by being assimilated and integrated into a number of states within the region. The initial hope was that a significant majority of Palestinians would migrate or resettle and thus the question of self-determination would no longer be relevant. Secondly, as far as the rights of the Palestinians are concerned, it was hoped that Palestinians who had considerable difficulties adapting themselves to new environments, should be given special treatment by the United Nations, especially through its refugee programme which would give them an opportunity for resettlement. It became obvious that one of the significant characteristics of the Palestinians was that they refused to disappear as an entity and remain as a potent political force even as exiles. Many Palestinian exiles have proceeded to argue that by depriving them of their state they were stripped with the right of citizenship and membership in any political entity. The basic issue then became one of determining whether there was a Palestinian consciousness which could give rise to the notion of a Palestinian State.

However, this whole question of the right of Palestinians to a homeland and the refugee question as well as the assimilation doctrine were radically altered in 1956 with the Israeli occupation of the Gaza Strip. Even at Bandung many of the Afro-Asian nations viewed the Palestinian question within the framework of a broader Arab nationalism and had not look at the possibility of a Palestine for Palestinians. But, by the first summit of Non-Aligned Countries in Belgrade in 1961, the entire Palestinian question had been transformed. It was becoming apparent to members of the Movement that there would be no solution to the Palestine question unless the issue of an appropriate and proper homeland was resolved. The Non-Aligned Movement proceeded during this period to re-examine its stance on the Palestine question and has gradually accepted the view that unless there is a state for the Palestinians there can be no solution for the Palestine question.

One of the most significant events affecting the attitude of the Non-Aligned Movement was the establishment of the Palestinian Liberation Organization. As Issa Al-Shuaibi suggest "the establishment of the PLO in 1964 as an institution to embody Palestinian national consciousness held at the start of an important and fundamental stage in the political life of the Palestinian people. From this date the role of the PLO was decisive in all the changes that took place in the political and legal situation of the Palestinians, and in the radical consummation of the Palestinians' position as one of the principal parties to the Arab-Israeli conflict. The establishment of the PLO took place within the framework of the official Arab establishment. This was a practical response by the Arab world to an existing state of affairs in which the Palestinian political life was characterized by an increase of Palestinian-Arab nationalism." ¹/ Al-Shuaibi has shown that the PLO had prepared its case for the right of Palestinians to have a state in a detailed paper which was circulated in 1964. The PLO upon becoming the major spokesman for the Palestinian people immediately demanded that those territories that were removed from Palestinian control as a result of the act of war should be immediately returned to Palestinian jurisdiction. The paper, for example, states: (1) In addition to insisting that the revolution shall continue, the principal task of the Palestinian revolution during this stage, and in the light of the facts of the present Arab and international situation, is an unremitting struggle to expel Zionist occupation from the territories occupied in 1967 and to prevent the Jordanian regime from returning to those territories to perform its historical role of obliterating the independent national existence of the Palestinian people. (2) The alternative to occupation and Jordanian tutelage is Palestinian national sovereignty over these territories and the declaration of national independence in any part of the land that can be liberated and rescued from the clutches of occupation. (3) The Palestinian people shall exercise their sovereignty over all these territories and declare their national independence

1. For an excellent study of the development of Palestinian national consciousness and especially the evolution for the demand for a separate Palestinian state, see the three part study by Issa Al-Shuaibi, "The Development of Palestinian Entity-Consciousness", J. of Palestinian Studies, V. 9, No. 1, 2 and 3 (Autumn 1979, Winter 1980, Spring 1980). We have relied heavily on this study for the history of the Palestinian demand for a nation-state. V. 9, No. 2 (Winter 1980), p. 50.

under the leadership of the PLO, the sole legitimate representative of the Palestinian people. (4) The Palestinian people's exercise of their sovereignty and the attainment of their independence will be an important national achievement on the road of continuing an unremitting struggle for the liberation of all the soil of the Palestinian homeland, so that the Palestinian people may exercise their right to self-determination in the whole of their land and to build a democratic Palestinian state. (5) The Palestinian revolution is an organic part of the Arab national liberation movement, and the revolution's struggle to liberate Palestine and to build a democratic Palestinian state is organically and dialectically linked to the struggle of all sections of the Arab liberation movement, within the general framework of Arab struggle against imperialism, Zionism and reaction. (6) The Palestinian revolution is most anxious to strengthen its relations of solidarity with the socialist countries and all forces of progress and freedom in the world." 2/

These propositions clearly reveal that the Palestine question has now reached a new stage in world politics. With the creation of the PLO we now have a peculiar situation in the world where a stateless people have a government. The issue has now become one where displaced people are demanding not that a government is in exile, but indeed that this government can and does function as a spokesman for dispersed people in many lands. This has placed the international community in a major difficulty in that one of the primary requirements for recognition is the existence of a defined territory. The absence of territoriality, it has been argued by some, should not preclude the PLO from being essentially official spokesman until such time as they obtain the territory.

It should be pointed out that Non-Aligned Countries have set a number of precedents for the recognition of liberation movements. For the Non-Aligned Movement has recognized the existence of a government and a state in North-Vietnam even when there was some question about the territorial control of that liberation movement. In addition, both in Algeria, Angola and southern Africa generally, the non-aligned countries have taken the position that these liberation movements are indeed the authentic representatives of the people and should be treated as such. The non-aligned countries have in fact been following the McDougal-Lasswell School of International Jurisprudence which calls for the recognition of non-state organizations by international law. Kassim in a very interesting recent article argued that "the McDougal-Lasswell School of Jurisprudence is a staunch advocate of recognizing non-nation state subjects of international law. Professor McDougal and his associates assert that all participants in world social process act in the constitutive process of authoritative decision. Amongst these participants, they enumerate the territorial units, international governmental organizations, political parties, pressure groups and private associations." Furthermore, a very recent publication of the United States Department of State defined the subjects of international law as

2. Ibid, V. 9. No. 3, (Spring 1980), p. 107.

being, in addition to the states, international organization and non-self-governing territories and belligerents and insurgents.^{3/} Kassim goes on to provide evidence and suggests that international organizations such as the United Nations have begun to recognize a number of non-state organizations who appear to have legal status within the international organizations. Kassim goes on and we quote "with regard to anticolonial liberation movements, contemporary international practice has widely accepted the premise that such territorial public bodies are subjects of international law. The Algerian National Front and later its Provisional Government of the Republic of Algeria, possessed diplomatic status in international law.... In the same vein, the National Liberation Front of South-Vietnam and its subsequently constituted Provisional Revolutionary Government were recognized by twenty-seven states in which its mission received diplomatic status and privileges. ...The intensification of the armed struggle in the African colonies have led to a more crystallized legal status of the African national liberation movements. The Organization of African Unity, the United Nations, and individual states have recognized these national liberation movements as authentic representatives of the peoples of the colonies." ^{4/}

However, what Kassim and most students of international law and organization have not fully recognized was that of the political process which produces particular types of international law. It is our contention that the Non-Aligned Movement indeed provides the political process for meeting new customs and provisions in international politics. Professors W. and S. Mallison in a recent study for the United Nations suggest that "customs are among historical methods of international law-making as compared with treaties. In traditional legal analysis it is usually stated that customary law grows out of state usages or practices. A classic formulation of this view appears in Lauterpacht's Oppenheim 'The usages have a tendency to become custom. The question presents itself at what stage does a usage turn into a custom. This question is in matter of fact not a theory. All that the theory can say is this whenever and as soon as a line of international conduct frequently adopted by states is considered legally obligatory or legally right the rule which may be abstracted from such conduct is a rule of customary international law'" ^{5/}

3. Anis F. Kassim, "The Palestine Liberation's Claim to Status: A Juridical Analysis under International Law." Denver Journal of International Law and Policy, V. 9, No. 1 (Winter 1980), p. 4-5.

4. Ibid, p. 12.

5. W. Thomas Mallison and Sally V. Mallison, An International Law Analysis of the Major United Nations Resolutions Concerning the Palestine Question (N.Y.: United Nations, 1979), p. 2

What we have attempted to show in this particular paper is that the political process adopted by the Non-Aligned Countries within the international system has provided the legitimacy for the demands of both the PLO and the Palestinians to have a state. It is through this political process that new institutions and new international law are created and ultimately legitimized by the world community. It is our basic hypothesis that the Non-Aligned Countries have been the principal actor in the implementation of the resolutions passed by the United Nations on the Palestine question. Indeed the Non-Aligned Countries were responsible for the smooth functioning of that international body, especially for the building of a variety of new and innovative legislation which brings into the forefront the rights of peoples and movements that hitherto have been excluded from the international system.

The Non-Aligned Countries have had a long active role in promoting the concerns of the Palestinian people to the international community. In the period from 1950-1967 when the United Nations treated the situation of Palestinian Arabs as largely a "refugee problem", members of the Non-Aligned viewed the rights of the Palestinian people as central to world peace and called for the right of self-determination of the Palestinian people and the establishment of a state. The situation in Palestine is, in fact, one of the longstanding concerns of the non-aligned countries. This interest for the rights of the Palestinian people actually predates the official formation of the Non-Aligned Movement. The issue was taken up at the Afro-Asian Conference held in Bandung, 18-24 April 1955. This Conference is considered to be the precursor of the Non-Aligned Movement as most of the countries present later formed the Non-Aligned Movement. The final communique of this conference declared "full support of the principle of self-determination of peoples and nations as set forth in the Charter of the United Nations." In a separate statement it noted:

In view of the existing tension in the Middle East, caused by the situation in Palestine and of the danger of that tension to world peace, the Asian-African Conference declared its support of the rights of the Arab people of Palestine and called for the implementation of the United Nations resolutions on Palestine and the achievement of the peaceful settlement of the Palestine question. 6/

A few years later, many of these same countries met in Belgrade in September 1961 to form the Non-Aligned Movement. The question of Palestine was discussed by the Heads of State present and the Conference reaffirmed the Bandung Declaration, they gave their support for the full restoration of all the rights of the Arab people of Palestine in conformity with the Charter and resolutions of the United Nations. 7/

6. O. Jankowitsch and K. P. Sauvart, The Third World Without Superpowers: The Collected Documents of the Non-Aligned Countries (Dobbs Ferry, New York: Oceana Publications, Inc., 1978), Vol. 1, IXII - IXIII

7. Jankowitsch and Sauvart, p. 5.

The year 1964 was an important one for the Palestinian movement. The failure of the attempt at Arab unity in September 1961 and the success of the Algerian independence movement in November 1962 led many Palestinians to consider the Algerian model as a means to secure their goals. 8/ In May 1964 the Palestine Liberation Organization was formed and in September it was welcomed by the second Arab summit conference held in Alexandria "as a vanguard for collective Arab struggle for the liberation of Palestine", a major step towards its legitimization. 9/ The following month, the second summit of Non-Aligned Countries was held in Cairo in which the Conference condemned the "imperialistic policy pursued in the Middle East" and once again, in accordance with the Charter of the United Nations decided to:

1. endorse the full restoration of all the rights of the Arab people of Palestine to their homeland, and their inalienable right to self-determination;
2. declare their full support to the Arab people of Palestine in their struggle for liberation from colonialism and racism. 10/

In 1967 the Arab-Israel war created new problems for refugees. The following year, the PLO recognizing that the international community has been unsuccessful in securing the rights of the Palestinian people, adopted a new Covenant committing all Palestinians to fight for their rights. 11/ In addition, new efforts were made to bring the cause of the Palestinian people to the international community. One of the most responsive groups was the group of Non-Aligned Countries. Having already declared their opposition to colonialism and racism in previous meetings, the Non-Aligned met again in a consultative meeting of special government representatives in Belgrade, July 1969, and issued a communique that unanimously pledged their support for national liberation movements. At this meeting, PLO representatives addressed the non-aligned. Once again, the members affirmed the 1964 resolution adopted at the Cairo Summit and in conformity with the United Nations Charter, "endorsed the full restoration of the rights of the Arab people of Palestine to their usurped homelands" and declared their support to "the Arab people of Palestine in their struggle for liberation from colonialism and racism and for the recovery of their inalienable rights." 12/ That December 1969, Non-Aligned Countries also

-
8. I. Al-Shuaibi, "The Development of Palestinian Entity-Consciousness", Part I, J. of Palestine Studies, V. 9, No. 1, (Autumn 1979), p. 84.
 9. I. Al-Shuaibi, "The Development of Palestinian Entity-Consciousness", Part II, J. of Palestine Studies, V. 9, No. 2 (Winter 1980), p. 50-51
 10. Jankowitsch and Sauvart, p. 48.
 11. Committee on the Exercise of the Inalienable Rights of the Palestinian People, The Question of Palestine (N.Y.: United Nations, 1979), p. 25-26.
 12. Jankowitsch and Sauvart, p. 159.

helped to bring the concerns of the Palestinian people before the United Nations. Resolution 2535 supported in large part by Non-Aligned Countries was adopted in the 24th session of the General Assembly. It recognized for the first time that the "problem of Palestine Arab refugees has arisen from the denial of their inalienable rights." This was the beginning of international recognition of the Palestinian cause and the centrality of Palestine to the tensions in the Middle East. 13/ It also shifted the focus of the Palestine question in the United Nations from the refugee problem as it had been previously viewed to one in which Palestinian people had rights within the United Nations Charter.

Representatives of Non-Aligned Countries next met in Dar-es-Salaam in April 1970 to prepare for the third summit. There were major discussions on national liberation movements, discussions which were later to affect the status of the PLO. There was a great deal of debate on the participation of liberation movements within non-aligned meetings. It was argued by several delegations that liberation movements be allowed to participate in non-aligned meetings as full members. For, in their opinion, "it was unacceptable that these meetings should deal with the problems of decolonisation, apartheid and racial discrimination without the presence of the interested parties most directly concerned." It was also agreed that African liberation movements recognized by organizations and Asian states he heard during non-aligned meetings and conferences and be permitted to remain in the conference hall during the entire meeting during which their statements were being made. Under these circumstances, the PLO and other liberation movements though not members of the Non-Aligned nor representatives of existing governments or states made presentations to the Non-Aligned countries. Furthermore, the meeting drew attention to the grave situation in the Middle East, called again for the implementation of relevant United Nations resolutions and appealed for the inalienable rights of the Palestinian people. 14/

The Lusaka Summit in September of that year resulted in Non-Aligned countries issuing for the first time a separate and detailed resolution on the Middle East which includes statements on the rights of the Palestinian people. It reads as follows:

"The Heads of State or Government of Non-Aligned Countries;

1. REAFFIRM previous resolutions adopted by Non-Aligned Countries which have drawn attention to the dangerous situation in the Middle East as well as to the fact that continued Israeli occupation of the territories of three Non-Aligned Countries constitutes a violation of United Nations principles, a challenge to the aims of non-alignment, and a grave threat to peace;

13. Committee on Palestinian Rights, Question of Palestine, p. 26

14. Jankowitsch and Sauvart, p. 164, 168, 171.

2. CONSIDER it impermissible for Israel to keep the territories of three sovereign and non-aligned countries under occupation and continually to pursue the policy of flagrant use of force and to use the occupation of these territories as a means of pressure for imposing solutions;
3. REITERATE the inadmissibility of the acquisition of territories by force and call for the immediate withdrawal of Israel from all Arab territories occupied after the 5th of June, 1967;
4. DECLARE that full respect for the inalienable rights of the Arab people of Palestine is a prerequisite to peace in the Middle East;
5. CALL for the full restoration of the rights of the Arab people of Palestine in their usurped homeland and reaffirm their support in their struggle for national liberation and against colonialism and racism;
6. REITERATE the necessity of abiding by and implementing United Nations resolutions adopted in this regard;
7. EXPRESS their support for the efforts of the Special Representative of the Secretary-General of the United Nations to implement the Security Council resolution of 22nd November, 1967;
8. DEPLORE Israel's obstruction of these efforts aimed at establishing peace based on justice and, in particular, its interruption of the talks undertaken by the United Nations Special Representative in carrying out the task entrusted to him by the Security Council resolution;
9. RECOMMEND to the United Nations to take adequate measures against Israel if it continues to disregard United Nations efforts to establish peace based on justice in accordance with the Security Council resolution of 22nd November, 1967." 15/

The Non-Aligned also raised the Palestine issue at the following session of the United Nations General Assembly. At this meeting, the General Assembly adopted resolution 2672 C, stating that the "people of Palestine are entitled to equal rights and self-determination in accordance with the Charter of the United Nations." The rights of self-determination for the Palestinian people were thus formally recognized by this international body. Once again, the resolution was overwhelmingly supported by members of the Non-Aligned Countries. 16/

15. Jankowitsch and Sauvart, p. 100.

16. Committee on the Exercise of the Inalienable Rights of the Palestinian People, The International Status of the Palestinian People (N.Y.: United Nations, 1979). p. 17.

The Non-Aligned Countries continued to support the cause of the Palestinian people in resolutions at its various consultative meetings in New York, in 1971 and Kuala Lumpur in 1972. They also continued to pursue its efforts in the United Nations in these same years. At the Foreign Ministers' Conference of Non-Aligned Countries held in Georgetown in August 1972 at which the PLO attended with guest status, another resolution on the Middle East was passed that not only declared their support for the rights of Palestinians, but asserted their decision to continue to raise this issue at all international forums. 17/

Greater international recognition for the PLO was given at Algeria, the IVth Summit of Non-Aligned Countries held in September 1973. Here the PLO attended as observers. A number of declarations and resolutions relating to Palestine were also accepted by the members. In their Political Declaration, it was agreed that:

"Political Declaration, Algiers Summit, Items 27 through 32:

27. In this context, the Conference emphasizes the need for more resolute action by the Non-Aligned Countries in order to find an urgent solution to the conflicts of which the Third World is the arena and in which the policy of force of imperialism and colonialism is opposed to the legitimate aspirations of the peoples.

28. In the Middle East, the situation continues to give rise to deep concern. Israel's obstinate persistence in its policy of aggression, expansion and annexation, as well as its policy of oppression directed against the inhabitants of the territories which it is occupying by force, constitutes a defiance of the international community, the United Nations and the Universal Declaration of Human Rights and a threat to international peace and security.

29. Drawing renewed attention to the inadmissibility of the acquisition of territories by force, the Conference calls for immediate and unconditional withdrawal by Israel from all the occupied territories, and pledges itself to assist Egypt, Syria and Jordan in liberating their occupied territories by every means.

30. In this connexion, the restoration of the national rights of the Palestinian people is a basic prerequisite for the establishment of a just and lasting peace in the area. The struggle of the Palestinian people to recover their usurped homelands is an integral part of the struggle of all peoples for self-determination and against colonialism and racial discrimination. Member countries of the Conference call upon all States, and in particular the United States of America, to abstain from providing Israel with arms or any political, economic or financial support which may enable it to continue its aggressive and expansionist policy.

17. Jankovitsch and Sauvart, p. 440, 465, 466.

31. Israel's persistence in its defiant attitude towards the international community and the United Nations will lead non-aligned countries, on their own and within the framework of the United Nations in conjunction with the States Members of that Organization, to take individual or collective measures against it in accordance with the provisions of Chapter VII of the United Nations Charter.

32. The Conference gives its firm support to and expresses its solidarity with the Palestinian people in their sore trial and the heavy sacrifices they are making to recover their national dignity and existence. 18/

More importantly, the Non-Aligned restated in great detail their position on colonialism and imperialism and their view of decolonization in a Declaration on the Struggle for National Liberation. Parts of it are as follows:

...The policy of non-alignment, one of the main aims of which is the struggle for independence and the safeguarding of national sovereignty, fully identifies itself with the liberation struggle of oppressed peoples against all forms of domination and exploitation...

...In this connexion, the case of Palestine, where zionist settler-colonialism has taken the form of a systematic uprooting of the Palestinian people from their homeland and represents a very serious threat to their survival as a nation, is exactly the same as the situation in Southern Africa, where racist and segregationist minorities are pursuing the same method of colonial domination and exploitation pursuant to the requirements of a single imperialist strategy.

In their view, Palestinians are part of the colonial world and as such their liberation movement along with all liberation movements deserved full support. Furthermore, they argue that since oppressed peoples have exhausted "all peaceful means" and because colonial powers and their protectors remain obstinate, they have "no alternative but the legitimate recourse to armed struggle in order to impose respect for their right to self-determination and independence." They also noted that major achievements had been made in the international arena with respect to the affirmation of the legitimacy of armed struggle waged by peoples struggling for national liberation and with the "growing recognition of the liberation movements as the sole representatives of their peoples." In this regard, the Non-Aligned welcomed the decision of

18. Jankowitsch and Sauvart, p. 195-6.

the United Nations and other specialized agencies to extend observer status to liberation movements. Finally, the Non-Aligned called for the immediate implementation of the relevant United Nations resolutions regarding decolonization. 19/

In their discussions during the summit, members called upon one another to take a more active and organized effort to promote the legitimate aspirations and rights of colonized and oppressed peoples. In a separate resolution on the Middle East, the Non-Aligned reaffirmed its resolutions on rights of Palestinians and, most importantly, declared its recognition of the Palestine Liberation Organization as the legitimate representative of the Palestinian people and decided to support and work for the participation of the representatives of the Palestinian people in debates that concern that in all important organs of the United Nations. Once again, they called for renewed action to implement these matters in the United Nations as defined in the Charter. 20/

Less than a month later, the October war took place. President Boumediene of Algeria as Chairman of the Non-Aligned Countries at the time immediately sent letters to the Heads of State informing them of Israel's attacks on Egypt and Syria. These attacks, he pointed out, reaffirmed "the just struggle for the liberation of Arab territories from foreign occupation and imperialist domination" and supported once again the principles of the Non-Aligned Movement. The 1973 October war reemphasized the political instability of the Middle East and violations to the United Nations Charter. Non-Aligned Countries recognized the need to find a solution to the Palestine question through renewed efforts in the General Assembly and the Security Council as soon as possible. 21/ That November 30, 1973, the General Assembly passed resolution 3070 acknowledging the "legitimacy of the people's struggle for liberation from foreign domination and alien subjugation by all available means including armed struggle." It reflected an earlier Declaration of the Non-Aligned Countries which defended the rights of national liberation movements. 22/

The following March the Co-ordinating Bureau of the Non-Aligned met and one of the international problems they discussed was the Question of Palestine and the role they should play in the Security Council, the General Assembly and other international organizations in bringing about a just and durable

19. Jankowitsch and Sauvart, p. 207-13.

20. Ibid, p. 241-2, 289-92

21. Ibid, p. 1079-80

22. Committee on Palestinian Rights, The Question of Palestine, p. 26.

peace in the Middle East based upon United Nations resolutions. Once again the PLO were observers and addressed the meeting. On the basis of the statements and working documents on the issue, Non-Aligned Countries reiterated its support for the Palestinian people. Most importantly, in a new step, they decided that they would seek to ensure "global recognition of the Palestine Liberation Organization as the legitimate and sole representative of the Palestinian people and its struggle, and considering it a fundamental party in all the efforts exerted to establish just peace." ^{23/} This declaration was carried further in the Fall when the PLO, supported by Foreign Ministers of the Arab League, decided to go before the General Assembly. The PLO also approached President Boumédiène, as current Chairman of Non-Aligned Countries to inform him of their decision. In active support of the PLO's efforts to secure the rights of Palestinian people, Boumédiène sent messages to the Heads of State or Governments of Non-Aligned Countries to encourage them to support the PLO in the 29th session of the General Assembly. In his view, the PLO's initiative was "the logical outcome of the evolution of an existing problem in the irreversible process of the liberation of peoples which cannot justify indifference because it has become a decisive factor for peace and security in the Middle East, and consequently in the world." He urged them to continue to apply the resolutions adopted by the Non-Aligned in support of the just cause of the Palestinian people and their "rightful representative, the PLO. ^{24/} His letter was supported by another message from the Foreign Minister of Algeria Abdelaziz Bouteflika to the Heads of State for support of the PLO as the "authentic representative of the Palestinian people", and for solidarity in the debates on Palestine at the General Assembly. ^{25/}

Major steps towards the international recognition and acceptance of the PLO were made in the next months. As agreed to in resolution 2 at the Algiers Summit, Non-Aligned Countries joined in the request for the placing of the question of Palestine UN General Assembly agenda for the first time since 1952. They were successful in September and the following month, October 1974, the Arab Heads of State met in Rabat and passed resolutions recognizing the rights of the Palestinian people and their right to self-determination. In addition, they declared the PLO the "sole legitimate representative" of the Palestinian people. Shortly afterwards the General Assembly invited the PLO to participate as an observer in the Assembly and this new status was accepted by other United Nations Organizations. The Chairman of the PLO, Mr. Yasser Arafat, addressed the General Assembly in November asking for rights of self-determination and national sovereignty in Palestine. He reminded the Assembly that the term "terrorist" often applied to the PLO had often been used in reference to other peoples who had struggled and fought for freedom. In addition, two resolutions were passed, no. 3236 recognizing the

23. Jankowitsch and Sauvart, p. 1386-87.

24. Ibid., p. 1095

25. Ibid., p. 1130-31

inalienable rights of the Palestinian people and No. 3237 giving observer status to the PLO in the United Nations General Assembly. Non-Aligned Countries co-sponsored these draft resolutions and supported the debate on the agenda item to discuss Palestine. 26/ In addition, they had voted for inviting PLO in this new status. These events together represent a major step in the world recognition of the plight of the Palestinian people and the legitimization of the PLO as their true representatives by the largest international body and reveal the important role of the Non-Aligned in promoting the status of the PLO.

The Co-ordinating Bureau met in Havana in March 1975 and reconfirmed the Non-Aligned and United Nations resolutions on Palestine. 27/

The Foreign Ministers met again in Lima, August 25-30, 1975. Their continued efforts to assist the Palestinian movement and the significance of their anti-colonial, anti-imperialist principles can be seen in their actions. The Conference welcomed the PLO as a full member of the Non-Aligned Countries. Representatives suggested that the Palestine Question be accorded a place as a regular agenda item. They set up a Working Group on the matter for the purpose of defining positions and co-ordinating activities and resolved to work in co-ordination with the PLO to form strategies to liberate Palestine. In anticipation of future activities they asked the Co-ordinating Bureau to prepare a report for the next Summit. 28/

In the 30th session of the General Assembly a Committee on the Exercise of the Inalienable Rights of the Palestinian People was established and the General Assembly invited the PLO to participate in all peace efforts in the Middle East. In January 1976, the Security Council discussed the issue of political rights for the Palestinian people for the first time with the participation of the PLO. A draft resolution prepared by six Non-Aligned members (Benin, Guyana, Panama, Pakistan, Rumania and Tanzania) affirmed the inalienable rights of the Palestinian people as established by the General Assembly, was introduced. Though blocked in the Security Council largely by Western powers it represented a step forward in the discussion of the Palestine question in the Security Council. 29/

The Palestine question continued to be discussed at the various meetings of the Non-Aligned Countries. At the 5th Summit held in Colombo, August 16-19, 1976, the great gains in the international recognition of the PLO as the sole legitimate representative of the Palestinian people since 1973 was discussed. The importance and respect given to the PLO by the Non-Aligned Countries was revealed in the selection of the PLO as a member of the Co-ordinating Bureau for the 6th Summit. The Conference reiterated its support for the PLO and

26. Ibid, p. 1444-5

27. Ibid, p. 1427-8, 1436-7

28. Ibid, p. 1221, 1260-1

29. Regina Sharif, "The United Nations and Palestinian Rights, 1974-1979", J. of Palestine Studies, V. 9, No. 1 (Autumn 1979), p. 25-26.

noted with deep satisfaction United Nations resolutions which invite the PLO to participate on an equal footing with other parties in all international efforts, deliberations and conferences on the Middle East which are held under United Nations auspices. In its resolution 9 on the Question of Palestine, Non-Aligned Countries took the view that the matter was one of the leading issues of non-alignment. Members decided to increase co-ordination between the Movement and the PLO to ensure the liberation of Palestine and that its people exercise their natural rights. In a further attempt to secure greater international acceptance of the PLO, the resolution called upon "all Member States that have not yet taken the necessary measures to accept the representation of the Palestine Liberation Organization in their capitals to do so forthwith as a step on the path towards developing bilateral relations between Non-Aligned Countries and the Palestine Liberation Organization." 30/

The Conference called upon all countries:

"To give all-out support and military, moral and material assistance to the Arab states and the Palestinian people under the leadership of the Palestine Liberation Organization, in the struggle to end the Israeli aggression."

The Conference also believed:

"that a just and lasting peace in the Middle East can only be established through the solution of the Palestine question, the root cause of the conflict in the region, in accordance with the United Nations resolutions which recognized the inalienable natural rights of the Palestinian people." 31/

In addition the Colombo Summit endorsed the Report of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People established in accordance with United Nations resolution 3376 (XXX), document S/12090. 32/

Non-Aligned Countries took an active part in the 31st session of the General Assembly. The Working Group of Non-Aligned Countries on Palestine and the Middle East with the active participation of the PLO drafted a resolution which endorsed the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People as a basis for the solution of the question of Palestine and urged that the Security Council once again consider these recommendations. It was an important step forward in resolving the Palestine question that the General Assembly adopted this

30. Jankowitsch and Sauvart, p. 859-63.

31. Ibid, p. 768-9.

32. Ibid, p. 864.

resolution. It is especially important to note that for the first time the Committee's report which was endorsed by the General Assembly, outlines a two-phased programme to implement the inalienable rights of the Palestinian people in Palestine. In addition, the membership of this Committee was increased by three Non-Aligned Members, Guyana, Mali and Nigeria. However, these proposals were not acted upon by the Security Council. But Non-Aligned Countries through its efforts to table relevant amendments were able to force Israel to withdraw a resolution which excluded the participation of the Palestine Liberation Organization from the Geneva Peace Conference.

During 1977 and 1978 the Co-ordinating Bureau continued to meet and to work within the UN to promote a solution to the Palestine question. In this period, further proposals were presented to the Security Council but once again the Security Council failed to act upon resolutions of the General Assembly concerning the rights of the Palestinian people and the recognition of the PLO. By 1979, the Chairman of the Committee on Palestinian Rights was charging the Security Council with obstruction. With this deadlock on the question and the continued threat to world peace in the Middle East, the Foreign Ministers of the Non-Aligned proposed that a special session on the Question of Palestine be held in the General Assembly in an attempt to overcome this impasse.

In the meantime, the 6th Summit of Non-Aligned Countries and the first in the western hemisphere was held in Havana, Cuba, September 3-9, 1979, a few months after the Camp David agreements had been signed amongst the United States, Egypt, and Israel. The Middle East situation was therefore discussed in great detail. So great has been the Non-Aligned commitment to the Palestine question and to the principles of the Movement that Egypt's actions in this matter led some members to propose, for the first time in the history of the Movement, the suspension of a Non-Aligned Member for having violated its principles and resolutions. Parts of the Political Declaration once again confirmed the historic position non-aligned countries have taken since 1961 on the rights of the people of Palestine. They are as follows:

The Palestine Liberation Organization is the sole legitimate representative of the Palestinian people. It alone possesses the right to represent the Palestinian people and is entitled to exercise the full and sovereign right to participate on an equal footing in all international conferences, activities and forums dealing with the Palestinian problem and the Arab-Israel conflict with a view to recovering the inalienable national rights of the Palestinian people and to achieving a settlement of the Middle East problem. No settlement to the problem can be comprehensive, just and acceptable without the Palestine Liberation Organization participating in it as a sovereign party and on an equal footing with the other parties concerned. 33/

33/ Documents of the Sixth Conference of Heads of State or Government of Non-Aligned Countries. UNGA A/34/542 11 October 1979, p. 39.

In addition the Conference endorsed the right of the PLO and of Arab States "to reject and oppose any solution or settlement detrimental to the inalienable national rights of the Palestinian people and the liberation of all the occupied Arab territories and to foil them through all possible means." In particular, the Conference condemned the Camp David agreements and the Treaty between Egypt and Israel as a partial agreement. In the view of Non-Aligned Countries these actions meant the total abandonment of the cause of Arab countries and an act of complicity with Israel's continued occupation of the Arab territories. The Non-Aligned resolved to continue to work in international forums, especially the United Nations to resolve the Palestine Question. 34/

In resolution II of the Havana document, the Non-Aligned Countries, declared that the rights of the Palestinian people should include the following:

- (a) the right of Palestinians to return to their homes and property from which they were expelled.
- (b) the right of self-determination without external interference.
- (c) the right to establish an independent sovereign state in Palestine.

This last statement is yet another step in the Non-Aligned position with regards to the Palestine question. In its resolution III on the situation in the Middle East they noted:

"The Palestinian problem and the Middle East question constitute an indivisible hole in the efforts to find a solution which could in no way be partial or concerned only certain party to the conflict, to the exclusion of others or be limited to certain aspects of the conflict. Similarly, no partial peace can be instituted since peace has to be just and must embrace all the parties concerned and eliminate the cause of the conflict." 35/

Once again the Non-Aligned have declared their support for the Palestinian demand to create and establish an independent state. Continuing in its activities to further internationalize the case of the Palestinian people the Movement urged the members of the Non-Aligned Movement to take action in the various international conferences and organizations especially their process towards calling for a special session of the United Nations General Assembly. 36/

34. Ibid, p. 172-5.

35. Ibid, pp. 172-175

36. Ibid. p. 177

The Non-Aligned position on Palestine and the Middle East has been succinctly expressed by the incoming Chairman of the Non-Aligned Countries when he reported to the General Assembly about the activities of the Non-Aligned Countries especially the events of the Six Summit. In his report he noted:

"Thus it will be understood that the final declaration of Havana linked the struggle for peace with the political, moral and material support for the national liberation movements and the joint efforts to eliminate colonial domination and racial discrimination. The Non-Aligned Countries have always attached great importance to the possibility of and the need for détente amongst the great powers and thus the Sixth Conference pointed with great concern to the fact that in the period that elapsed the Colombo Conference certain stagnation took place in the process of détente which has continued to be limited both in scope and geographically." 37/

From the first summit held in Belgrade to the Sixth Summit in Havana in 1979 the Non-Aligned Movement has grown from a small grouping of 25 to a much larger grouping of 92 members again as the Chairman of the Movement stated:

"We are 95 countries from all the continents, representing the overwhelming majority of mankind. We are linked by our determination to defend the cooperation among our countries, to ensure free national and social development, sovereignty, security, equality and self-determination. We are associated in our determination to change the present system of international relations, based as it is on injustice, inequality and oppression. In international politics, we act as an independent world factor." 38/

The Six Summit of Non-Aligned Countries had therefore examined the problem of the Middle East from the point of view not only of the rights of the Palestinian people but within the broader context of the rights of the Arab people. For those who have charged that the Non-Aligned Countries have been participating in a giant global anti-semitic total fascist campaign against the Jewish people it should be noted that the Chairman of the Movement was quite emphatic when he argued that the Non-Aligned are not mad fanatics.

37. Ibid p. 183

38. Report of President Fidel Castro on the Sixth Summit Conference of Non-Aligned Countries reprinted from The Black Scholar July-August 1980 pp. 29-30 Volume II, Number 6

"...we are not fanatics. The revolutionary movement has always learned to hate racial discrimination and pogroms of any kind. From the bottom of our heart, we repudiated the merciless persecution and genocide that the Nazis once visited on the Jews, but there's nothing in recent history that parallels it more closely than the dispossession, persecution and genocide that imperialism and zionism are currently practicing against the Palestinian people. Evicted from their land, expelled from their own country, scattered throughout the world, persecuted and slaughtered, the heroic Palestinians are a vivid example of sacrifice and patriotism, and are the living symbols of the most terrible crime of our era. Can anyone be surprised that the Conference, for reasons that stemmed not from any political prejudice, but rather from an objective analysis of the facts, felt called upon to note that the United States policy in aligning itself with Israel and in supporting it and working to obtain partial solutions that are favorable to Zionist aims and to guarantee the fruits of Israeli aggression at the expense of the Palestinian Arab peoples and the entire Arab nation, played a major role in preventing the establishment of a just and comprehensive peace in the region? The facts and only the facts led the Conference to condemn the policies and maneuvers of the United States in that region."^{39/}

The Chairman of the Movement then proceeded to argue against what he felt was the betrayal of one of the members of Non-Aligned namely Egypt to the principles of non-alignment by entering into a treaty with Israel. He then concluded:

"it is not the Egyptian people who have been subject to the judgment of the organs of the Movement of the Non-Aligned Nations. The Egyptian people commanded the respect of each and everyone of our countries, and enjoy the solidarity of all our peoples. The same voices that will raise to denounce the Camp David agreements and the Egyptian-Israeli treaty eulogized and praised Gamal Abdoul Nasser, a founder of the Movement and one of those who upheld the fighting traditions of the Arab nation. No one ignores and no one will be unaware of Egypt's historic role in Arab culture and development or its merit as a founding nation and a driving force in the Movement for Non-Aligned Countries." ^{40/}

39. Ibid., p. 33

40. Ibid, p. 34.

Furthermore at the Havana Summit, a number of countries had felt that inspite of Egypt's historical role the time had come to examine its continued membership in the Movement. It should be remembered that membership in the Non-Aligned Movement is based on the principle that the country should not be a member of a multilateral military pact. Some argued that the very fact that Egypt had entered into treaty relations with an avowed enemy of the Non-Aligned Movement namely Israel and that this entire treaty was initialled by a third party the United States was enough grounds for expulsion. However, as a result of great pleading by a number of members, it was felt that the whole issue would be held in abeyance out of respect for the people of Egypt.

In conclusion, we should point out that in this article we have attempted to demonstrate how the Non-Aligned Movement as an international social movement played a pivotal role in informing the international community about the Palestinian Question. The United Nations has indeed taken legal action with regards to the right of the Palestinian people, but the United Nations action could not have been possible had it not been for long and prolonged activities of the Non-Aligned Countries in preparing the global community to make such decisions. It should be remembered that the Non-Aligned Movement consist of nations not only from the so-called third world but also of nations in Europe and the Americas. The voting behavior of nations at the United Nations shows that a number of countries were not as enthusiastic or concerned about the rights of the Palestinian, but as the Movement held meetings, it became clear that the Non-Aligned Countries were indeed acting as a giant forum to inform the world's people about the injustices against the Palestinians. On the legal side, it should alsobbe remembered that the Non-Aligned was one of the first international organization to provide a legitimate status for the PLO and who had invited them first as guest then as observer finally to full membership and now elected that unit to the Bureau of the Movement. In the United Nations the Non-Aligned Countries in conjunction with the PLO have proceeded to dominate much of the debate giving much of the substantive argument about the right of the Palestinians. In a detailed analysis of the voting behavior of all the countries of the world on resolutions about Palestine, we discovered that the support for the Palestinian cause showed a remarkable increase especially after each summit meeting when the Palestinian question was brought before the General Assembly. Finally, the Non-Aligned Countries have been responsible for the massive campaign undertaken to call for a special session on the Palestine question. Again in our analysis of the Non-Aligned votes at the United Nations we found that the period from 1961 to 1980 the Palestinian issue has been one over which there is greatest cohesion amongst the Non-Aligned Countries. ^{41/} The recently concluded special session on the Palestine question in a way was the culmination of a major twenty years struggle by the Non-Aligned Countries along with a number of supporters to bring this issue finally before the world community. Inspite of the attention of the world community one must conclude with Edward Said that:

41. A. W. Singham, The Voting Behavior of Non-Aligned Countries in the United Nations Chapter IV in Non-Alignment in the World of Alignments.

"the fundamental Palestinian difficulty persist, however and grimly history has consolidated and piled up its ironies around that difficulty. Punished for his presence in Palestine at the time of the land's colonial settlement by zionism, he has been punished afterwards for his absence from Palestine. AS outcast, as a trans-national, extraterritorial being, as a pressed non-entity inside Israel, the Palestinian is confirmed as central to or at the core of the MiddleEast problem. In 1974, over one hundred nations in the United Nations accepted PLO as the PalestinianIs representative. Yet those nations whom most intimately concern with the Palestinians challenged that notion, as well as the very existence of the Palestinian identity. 42/

At the special session of the United Nations one began to see the beginnings of a change of attitude of even those who have resisted looking at the Palestine Question with objectivity. Indeed, the Non-Aligned Countries could take credit for having democratized international relations.

42. Edward Said, The Question of Palestine, Times Books New York, 1980

THE NATURE OF THE PALESTINE LIBERATION ORGANIZATION

Sabri Jiryis

The Palestine Liberation Organization (PLO), established in 1964, is the general organizational framework within which all Palestinian organizations - commando groups, trade unions, professional associations, as well as prominent national figures - meet to work for the achievement of Palestinian national goals. Since it was established, the PLO has experienced various organizational developments and change during a long period of transformation.

Establishing the PLO, in 1964, was another landmark in the history of the Palestinians' struggle for their right of self-determination, independence and national rights. This struggle has been going on, without interruption, for about 60 years. Its starting point - if the clashes between Arabs and Jews in Palestine, during the Ottoman rule, are not to be taken into consideration - could be considered the Balfour Declaration of 1917, in which Britain pledged itself to facilitate the establishment of a Jewish National Home in Palestine. This Declaration coincided with Britain's occupation of Palestine, and the adjacent countries, at the close of the First World War.

For the Palestinians, the establishment of a Jewish national home in Palestine meant - and rightly so, as it was proved later - one thing: uprooting the Palestine people from its homeland and destroying its organic unity. In other words, the Palestine people as a national entity, was the one intended by the conflict, and that the establishment of the Jewish national home shall be achieved at the expense of its very existence. Hence, the Palestine people found themselves, during the British Mandate on Palestine (1917-1948) in a self-defensive struggle against the Zionist attack, backed in most cases by the British administration. They were simply struggling for their right to have an independent developed entity, which meant the land, the people and the state. Thus, the Palestine cause, during that period, was characterized by being the people's cause, trying to defend its national existence on its soil, and safeguard its unity. And throughout all the political struggles and armed uprisings waged by the Palestinians, during 1917-1948, the sense of unity and independent entity developed, grew up, began to polarize and give expression to a distinct Palestine cause.

The Palestinians were defeated in the 1947/9 war. It was a big, humiliating and bitter defeat. It was also costly, for at its end the Palestinians simply found themselves without a country or any distinct entity. By the outcome of the war, the Zionists occupied almost two-thirds of the total area of Palestine, on which the state of Israel was established. Another part, comprising Central Palestine, and known now as the West Bank, was annexed by Jordan, to become part of the Hashemite Kingdom. And yet a third part, the Gaza strip in the south was administered, but not annexed, by Egypt, While a fourth part, al-Himmah in the north was controlled by the Syrians

The term "Palestine", denoting any political entity, or otherwise, ceased to exist.

Another catastrophic effect of the war was that half of the Palestinian people was turned into refugees, driven during the war to the neighbouring Arab countries, and later a good percentage of them was dispersed in all four corners of the earth. The other half came under the rule of Jordan, Egypt, Syria, and Israel. And hence the Palestine Question was transformed into a refugee's problem on the one hand, and into a conflict between Israel and the Arab states, over the borders, on the other hand.

Despite these facts, the Palestinians were, after the 1948 war, in the unusual situation of possessing a high level of national consciousness without the national or political institutions to embody it. Their aspirations for the future, on both political and personal levels, crystallized in most cases into a single goal that received almost universal support among them - that of return to the homeland. Their old, traditional leadership, comprising the Arab Higher Committee led by the Mufti of Jerusalem, had been discredited by the disasters of 1947-1949. So the Palestinians plunged into Arab politics, and many of them played prominent roles in various Arab political organizations. Actually so prominent and active was the role played by the Palestinians in Arab politics, and so important was their influence, especially in Arab nationalist parties, which many of them came to power, sooner or later, during the 1950's and the 1960's, that many of those parties saw it fit to establish Palestinian their own. Hence, the image of the Palestinian, on the Arab level, was that of an Arab fighter for the Arab nation's common cause and political, social and economic issues. Actually, the Palestinians, through this behaviour, were looking for their national identity, through the national identity of the Arabs. And most Palestinians saw the recovery of their homeland as dependent upon the achievement of Arab power through Arab unity. They therefore identified with pan-Arab parties, which they believed to be seriously committed to the Palestinian cause.

However, this attitude was not held by all Palestinians or Arabs. At the same time, some Palestinian groups committed solely and exclusively to the liberation of Palestine emerged, the most famous amongst these was Fateh, now the biggest among the Palestinian organizations comprising the PLO, although Fateh's first operation was not carried out until 1965. The changes began to be evident in the 1960's, laying in two events which seemed to alter this political environment. The first was the break up of the United Arab Republic, the union between Egypt and Syria that had marked the high-point of pan-Arab nationalism to which Palestinian political activists had been committed. This shook their belief in the possibility of Arab unity, particularly when, following close on its heels came the attainment of independence by Algeria in 1962 after a long, bitter and costly revolution. These important events seemed to indicate that Arab unity might not be a prerequisite for liberation, and that a nation could struggle successfully against foreign settlers by relying mainly on its own resources.

At the same time, i.e., in 1961 too, Prime Minister Kassem of Iraq, publicly committed himself to the establishment of a Palestinian entity, thereby converting it into an issue of inter-Arab politics. Three years later, the First Arab Summit Conference of 1964, took the first steps towards the creation of the PLO. The Conference announced, according to its own communiqué, that it took "practical resolutions... to organize the Palestinian people to enable them to carry out their role in liberating their homeland and determining their destiny". In February 1964, Ahmad Shuqairi then a prominent Palestinian politician, who had been appointed representative of Palestine at the Arab League by its Council, toured the Arab countries at the request of the Summit Conference, announcing that a Palestine National Council would be summoned in Jerusalem in May 1964. Preparatory committees and sub-committees, which were set up by Shuqairi, were entrusted with the task of nominating and preparing the final list of members to attend the Council, as it was impossible to elect them, due to the special circumstances prevailing then. In all, 422 members sat in the Palestine National Council. If they were not equally representative of all social classes or categories, they did reflect the geographical distribution of Palestinians rather precisely.

The Council, in its concluding session on June 1, 1964, adopted certain key resolutions creating an infra-structure that affected the Palestinians in several fields: political, financial, military and administrative. The Palestine Liberation Organization was officially proclaimed. The Palestine National Council, which would meet regularly, became the ultimate sovereign body within it. A National Charter and Fundamental Law were adopted as the basic constitution. An Executive Committee was appointed. Financially, it was agreed to set up a Palestine National Fund, to finance the PLO. Militarily, a Palestine Liberation Army under the control of the PLO was created.

Between 1964 and 1967, the PLO established itself more firmly, through diplomacy, in the Arab world and in some international quarters. But during the same periods, winds of change started to blow. The establishment of the PLO, in the way it was done, has met with opposition from some Palestinian sections. Various Palestinian organizations, which unified their activities within a framework known then as the Political Bureau of United Action of the Revolutionary Palestinian Forces has expressed their fear that the PLO would be used by Arab governments to contain the upsurge of Palestinian national feeling by institutionalizing it within the existing framework of Arab states, where the PLO would be subject to heavy pressure not to disrupt the existing Arab-Israeli status quo. One notable outsider to all of these developments was Fateh, which kept its distance from the PLO and called for united action "within Palestine", and not in "offices". Though the Palestinian organizations were generally in favour of organizing, they differed on the structure and form of the proposed organization. While Shuqairi and the notables composing the PLO were only too aware of Arab official demands and pressures, the various other Palestinian political groups tried to achieve an organizational formula involving a militance that went far beyond Arab official conceptions. Guerilla activities carried out by them independently of the PLO began to take place with increased frequency in 1965 and 1966.

The moment of change came after the June 1967 war. The aftermath of the war created a new situation for the Palestinians and the Arabs. Israel now occupied all of Palestine, and parts of Egypt and Syria. Arab military activity against Israel, previously opposed by almost all Arab regimes, now appeared inevitable in order to regain at least these territories. This situation opened up new possibilities for those Palestinian organizations outside the PLO that had already been carrying out guerilla activities against Israel. They, at least, had not been tarnished by the defeat of the Arab regular armies, and their different military tactics seemed to present a viable alternative to those of the Arab conventional armed forces. Israel dug in on the West Bank and in Gaza, and the support among the Palestinians at large increased rapidly as they began active resistance against the Israelis. Before the end of the year, Shuqairi whose record before the war and during it has discredited him among the Palestinians, submitted his resignation, in December 1967.

As Shuqairi submitted his resignation, the new PLO leadership, under Yahya Hammouda as Chairman issued a statement aiming to bring the PLO closer to the activist and guerilla organizations. A meeting between the PLO, Fateh and the Popular Front for the Liberation of Palestine, held in Beirut, in March 1968, resulted in an agreement that would give the commandos half of the seats in a new 100-seat National Council to be convoked. Actually, they got more than one half. The next session of the Palestine National Council was held in February 1969. It resulted in the election of Yasser Arafat, then the spokesman of Fateh, as Chairman of the new Executive Committee of the PLO. By that time also, the basic structure and composition of the PLO as it exists today had been established. This structure enables the PLO to include institutions working in many different fields: political, administrative, military, economic and social. This structure has attained a level of institutional development that enables it to penetrate all sections of the Palestinian community.

The most important of the PLO institutions is the Palestine National Council, which is the Palestinian equivalent of a parliament. Membership of it is nominated by a committee of the preceeding Council, after consultations between it and the commando organizations, the Palestinian unions' and professional organizations, and leading Palestinian individuals in all walks of life. The aim is to secure a representative seating of Palestinian parties and individuals as possible.

The Council is the supreme authority formulating policies and programmes for the PLO. Its term of office is three years, and usually meets in ordinary sessions annually. The Council has a presidential office composed of the Chairman, two Vice-Chairmen, and a Secretary, all elected by the Council.

During its ordinary sessions, the Council considers the report of the Executive Committee on the achievements of the PLO and its organs; the report of the Palestine National Fund and the PLO budget; the recommendations of various council committees; and any other issues submitted for

consideration. Two-thirds of its membership from the quorum and decisions are taken by simple majority. So far, the Council has held fourteen ordinary and two extra-ordinary sessions. Membership in the last session, held in January 1979, was 303.

The National Council has created, in 1973, a Central Council from its own membership to follow up and implement its resolutions. This mini National Council serves also consultative functions to the PLO leadership.

The next important institute of the PLO is the Executive Committee, the Palestinian "Cabinet", which is elected by the National Council from its own members. The Executive Committee is in permanent session, and its members work on full-time basis. It is responsible to the National Council collectively and individually for the execution of policies, plans, and programmes drawn up by the National Council. Each member has his own portfolio, like members of a Cabinet. The present departments of the PLO are the following: the Political Department, to which are affiliated about 70 PLO offices, all over the world, which correspond to Palestinian embassies; Military Affairs; Occupied Homeland Department; Information and Culture; Higher Education; Department of Popular Organizations; and Department of Administrative Affairs.

Usually, the Executive Committee is representative of the structure of power obtaining in the Council itself.

The other major institute of the PLO is the Palestine National Fund, which was established by the First National Council. Revenues of the Fund come from the following sources: (1) a fixed tax levied on Palestinians by the Arab governments in whose countries they reside; (2) financial contributions by the Arab governments or peoples; (3) loans and contributions from Arab governments and friendly nations; (4) any additional source approved by the Council.

The National Council elects the Chairman of the board of directors of the Palestine National Fund, who automatically becomes a member of the Executive Committee, which also appoints the members of the board of directors.

The Palestine National Fund receives all revenues of and finances the PLO according to an annual budget prepared by the Executive Committee and approved by the National Council. It develops the Fund's revenues and supervises the expenditure of the PLO and its organs.

The PLO maintains also a regular military force known as the Palestine Liberation Army. It was established in accordance with the resolutions of the First National Council which provided for the constitution of special military units.

The Palestine Liberation Army is made up of several contingents, stationed now in Lebanon, Syria and Jordan. It has participated in the September 1970 fighting between the Jordanian army and the Palestine resistance movement, in the October 1973 war on both the Syrian and Egyptian fronts, and in the civil war in Lebanon during 1975-1976.

The Palestinians organizations that constitute the PLO have also their own guerilla units. These, however, operate autonomously and are controlled by their own organizations, within the framework of the PLO.

The past decade have seen an increasing involvement of the PLO in the broad and human concerns of the Palestinian people in exile. Various institutions were set up to deal with this. They concern trade union organizations, medical aid, education, information, etc.

Palestinian trade unions are democratic organizations, in which officials are elected by the membership. All unions are linked to the PLO in several ways. The unions are represented by their own delegates in the Palestine National Council, and are also engaged in day-to-day co-operation with the PLO.

In the field of medical services, the major institution affiliated with the PLO is the Palestine Red Crescent Society, established in 1969. The Society renders medical services to the Palestinian community, civilian and commando alike. It operates several hospitals and clinics in Lebanon, Syria and other Arab countries.

Educationally, the PLO has organized educational programmes for Palestinian students in Kuwait and Lebanon. The Department of Higher Education takes care of thousands of Palestinian students, scattered in universities in several countries.

The PLO assumes responsibility for the welfare of the children of commandos, or civilians, killed in battle. The most significant of the organizations dedicated to this end is Samed, the Association of Workshops for the Children of Palestinian Martyrs. It offers vocational training.

The PLO maintains also a Research Centre, established in 1965, a Planning Center. It has its own newspaper, Falestin al-Thamura, and news agency (Wafa). It operates its own radio network; the Voice of Palestine.

To sum up, it should be noted that different trends of opinion exist within the PLO. These have not, however, led to intermecine feuding. By emphasizing the need to group under its umbrella all sectors of Palestinian opinion, the PLO has suffered the possible disadvantage of being a loosely rather than tightly controlled organization but it has gained the advantage of thereby being more representative of Palestinian opinion.

THE FORMATION OF AMERICAN PUBLIC OPINION ON
THE QUESTION OF PALESTINE

Edward W. Said

The general subject proposed for this section of our seminar is a very large one, so I shall concentrate in a rather schematic way on the United States exclusively. Suffice it to say at the outset that in Western Europe generally speaking, public attitudes towards the Palestinians, which on the whole only grudgingly and very recently have begun to show some improvement, are considerably in advance of the United States. In America of course the situation has genuinely improved over the past five or six years, although to judge by recent talk about the Middle East by various presidential candidates, the low level of talk and of quick public acceptability of such talk are depressingly evident.

I would like therefore to analyse the background of these American attitudes insofar as they, that is, these public views and attitudes, reflect and embody a rarely questioned consensus and an unconscious ideology, both of which derive from certain specific features of American society and history. That will take up the first part of my paper. In the second part I shall give concrete examples of how the consensus and the ideology work with reference to the Palestinian question.

Because the United States is a complex society made up of many often incompatible sub-cultures, the need to impart a more or less standardized common culture through the media is felt with particular strength. This is not a feature associated only with the mass media in our era, but one that has a special pedigree since the founding of the American republic. Beginning with the Puritan "errand in the wilderness," there has existed in the United States an institutionalized ideological rhetoric expressing a particular American consciousness, identity, destiny, and role whose function has always been to incorporate as much of American (and the world's) diversity as possible, and to re-form it in a uniquely American way: this rhetoric and its institutional presence in American life have been convincingly analyzed by numerous scholars, including Perry Miller, and most recently, Sacvan Bercovitch. One result of this is the illusion, if not always the actuality, of consensus, and it is as part of this essentially nationalist consensus that the media, acting on behalf of the society it serves, believes itself to be functioning, in ways that I shall be discussing presently.

The second point concerns how this consensus actually works. The simplest and, I think, the most accurate way of characterizing it is to say that it sets limits and maintains pressures. It does not mechanically dictate content and it does not mechanically reflect a certain class or economic group's interest. We must think of it as drawing invisible lines beyond which a reporter or commentator does not feel it necessary to go. Thus the notion that American military power might be used for malevolent purposes is relatively impossible within the consensus, just as the idea that America is a force for good in the world is routine and normal. Similarly, I think,

Americans tend to identify with foreign societies or cultures projecting a pioneering, new spirit (e.g. Israel) of wresting the land from ill use or from savages; whereas they often mistrust and do not have much interest in traditional cultures, even those in the throes of revolutionary renewal. Americans expect that Communist propaganda is guided by similar cultural and political constraints, but in America's case, the media's setting of limits and maintaining of pressures is done with little apparent admission or awareness that this is what in fact is being done. And this too is an aspect of set limits. Let me give two simple examples. Palestinians are systematically considered to be terrorists: nothing else about them is as systematically referred to, not even their bare human existence. When the United States hostages were seized and held in Teheran, the consensus immediately, came into play, decreeing more or less that only what took place concerning the hostages was important about Iran; the rest of the country, its political processes, its daily life, its personalities, its geography and history, were eminently ignorable: Iran and the Iranian people were defined in terms of whether they were for or against America. But these things are best understood in practice, and we shall see what this entails when we come to specific analyses.

After World War Two the United States took over the imperial role played by France and Britain. A set of policies was devised for dealing with the world that suited the peculiarities and the problems of each region of the world which affected (and was affected by) United States interests. Europe was designed for post-war recovery, for which the Marshall Plan, among other similar United States policies, was suited. The Soviet Union of course emerged as the United States' most formidable competitor and, as no one needs to be told, the Cold War produced policies, studies, even a mentality which still dominate relationships between one super-power and the other. That left what has come to be called the Third World, an area of competition not only between the United States and the USSR but also between the US and various native powers only recently in possession of their independence from European colonizers.

Almost without exception, the Third World seemed to US policy makers to be "underdeveloped", in the grip of unnecessarily archaic and static "traditional" modes of life, dangerously prone to communist subversion and internal stagnation. This is the framework into which the Palestinians have fitted. For the Third World "modernization" became the order of the day, so far as the US was concerned. And, according to James Peck, "modernization theory was the ideological answer to a world of increasing revolutionary upheaval and continued reaction among traditional political elites." Huge sums were poured into Africa and Asia with the aim of stopping communism, promoting US trade, and above all, developing a cadre of native allies whose express raison d'etre seemed to be the transformation of a backward country into a mini-America. In time the initial investment required additional sums and increased military support to keep it going. And this in turn produced the interventions all over Asia and Latin America which regularly pitted the US against almost every brand of native nationalism.

The history of US efforts on behalf of modernization and development in the Third World can never be completely understood unless it is also noted how the policy itself produced a style of thought, and a habit of seeing the Third World, which increased the political, emotional and strategic investment in the very idea of modernization. Vietnam is a perfect instance of this. Once it was decided that the country was to be saved from Communism and indeed from itself, a whole science of modernization for Vietnam (whose latest, and most costly phase, came to be known as "Vietnamization") came into being. It was not only government specialists who were involved, but university experts as well. In time, the survival of pro-American and anti-Communist regimes in Saigon dominated everything, even when it was clear on the one hand that a huge majority of the population viewed those regimes as alien and oppressive, and on the other, when the cost of fighting unsuccessful wars on behalf of these regimes had devastated the whole region and cost Lyndon Johnson the presidency. Still, a very great amount of writing on the virtues of modernizing traditional society acquired an almost unquestioned social, and certainly cultural, authority in the US, at the same time that in many parts of the Third World "modernization" was connected in the popular mind with foolish US spending, unnecessary gadgetry and armaments, corrupt rulers, and brutal US intervention in the affairs of small, weak countries.

Among the many illusions that persisted in modernization theory was one that seemed to have a special pertinence to the Islamic world, namely, that before the advent of the US, Islam existed in a kind of timeless childhood, shielded from true development by an archaic set of superstition, prevented by its strange priests and scribes from moving out of the middle ages into the modern world. They also seemed indifferent to the blandishments of "Western" ideas altogether. What was specially troubling about their attitude was a fierce unwillingness to accept any style of politics (or for that matter of rationality) that was not deliberately their own. Above all, it was their attachment to Islam that seemed especially defiant. Ironically, few commentators on "Islamic" atavism and medieval modes of logic in the West noted that a few miles to the west of Iran, in Begin's Israel, there was a regime fully willing to mandate its actions by religious authority, and by a very backward looking theological doctrine. Whereas Western journalists and intellectuals became expert at derisively quoting various Islamic edicts in Iran (which seemed quite reactionary), no one bothered to point out, for example, that the modern Israeli edition of the Babylonian Talmud (edited by Rabbi Adin Steinsaltz), which is taught in many Israeli and some American schools, has in its Tractate Berachot, p. 58b, such passages as the following: "A Jew who sees tombs of Gentiles should say: 'Your mother shall be sore confounded, she that bore you shall be ashamed, behold the end of the Gentiles shall be a wilderness, a dry land and a desert', Jeremiah 50, 12".

Religious intensity was thus ascribed solely to Islam. A retreat into religion became the way most Islamic states could be explained, from Saudi Arabia, which, with a peculiarly "Islamic" logic refused to ratify the Camp David accords, to Pakistan, Afghanistan and Algeria. In this way then, we can see how the Islamic world was differentiated in the Western mind generally, in

the US's in particular, from regions of the world to which Cold War analysis could be applied. There seemed to be no way, for example, in which one could speak of Saudi Arabia and Kuwait as parts of "the free world;" even Iran during the Shah's regime, despite its overwhelming anti-Soviet commitment, never really belong to "our side the way France and Britain do. Nevertheless US policy-makers in the US persisted in speaking of the "loss" of China, Vietnam and Angola. In this context, it has been singularly unhappy lot of the Persian Gulf's Islamic states to have been considered by American crisis-managers as places ready for US military occupation. Thus George Ball in The New York Times magazine of June 28, 1970 warned that the "tragedy of Vietnam" might lead to "pacifism and isolation" at home, whereas US interests in the Middle East were so great that the President ought to "educate" Americans about the possibility of military intervention there.

One more thing needs mention here: the role of Israel in mediating "Western" and particularly American views of the Islamic world since World War Two. In the first place, as I have already said, very little about Israel's avowedly religious character is ever mentioned in the press: only recently, for instance, have there been overt references to Israeli religious fanaticism in the Western press, and all of these references have been to the zealots of Gush Emunim, whose principal activity has been the violent setting up of illegal settlements on the West Bank. Yet most accounts of Gush Emunim in the West simply leave out the inconvenient fact that it was the "secular" Labor Government that first instituted illegal settlements in occupied Arab territory, not just the religious fanatics now stirring things up. This kind of one-sided reporting is, I think, an effect of how Israel -- the Middle East's "only democracy" and "our staunch ally" -- has been used as a foil for Islam. All the social and ideological peculiarities that over the years have allied Israel and South Africa tend to get no attention whatever. Instead Israel has appeared as a bastion of Western civilization hewed (with much approbation and self-congratulation) out of the Islamic darkness. Secondly, Israel's security has become automatically interchangeable with fending off Islam perpetuating Western hegemony, and demonstrating the virtues of modernization. At this point of course Orientalism and modernization theory dovetail nicely with each other. If Orientalist scholarship traditionally taught that Muslims were no more than fatalistic children tyrannized by their mindset their 'ulama and their wild-eyed political leaders into resisting the West and progress, was it not the case that every political scientist, anthropologist and sociologist worthy of trust could show that given a reasonable chance something resembling the American way of life might be introduced into Islam via consumer goods, anti-Communist propaganda, and "good" leaders? The one main difficulty with Islam, however, was that unlike India and China it had never really been pacified or defeated. For reasons which seemed always to defy the understanding of scholars, Islam continued its sway over its adherents who, it came regularly to be argued, were unwilling to accept reality or at least that part of reality in which the West's superiority was demonstrable.

Efforts at modernization persisted all through the two decades that followed World War Two. Iran became in effect the modernization success story and its ruler the model "modernized" leader par excellence. As for the rest of the Islamic world, whether it was Arab nationalism, Egypt's Gamal Abdel Nasser, Indonesia's Sukarno, the Palestinian national movement, Iranian opposition groups, thousands of unknown Islamic teachers, brotherhoods, orders, all of this was either opposed or not covered by Western scholars with a heavy investment in modernization theory and American strategic and economic investments in the Islamic world.

During the explosive decade of the seventies, Islam seemed to give more and more proof of its fundamental intransigence. There was for example, the Iranian revolution: neither pro-Communist nor pro-modernization, the people who overthrow the Shah were simply not explainable according to the canons of behaviour presupposed by modernization theory. They did not seem to be grateful for the quotidian benefits of modernization (cars, an enormous military and security apparatus, a stable regime) and the virtues of modernization. In these ways therefore three sets of illusions economically buttress and reproduce each other in the interests of shoring up the Western self-image: the view of Islam, the ideology of modernization, and the affirmations of Zionism.

In addition, and to make "our" attitudes to Islam very clear, a whole information and policy-making apparatus in the United States depends on these illusions and diffuses them widely. Large segments of the intelligentsia allied to the community of geopolitical strategists together deliver themselves of expansive ideas about Islam, oil, the future of Western civilization, and the fight for democracy against both turmoil and terrorism. For reasons that I have discussed elsewhere, the Islamic specialists feed into this great stream, despite the perfectly true fact that only a fraction of what goes on in academic Islamic studies is directly infected with the cultural and political visions to be found in geopolitics and Cold War ideology. A little lower down comes the mass media, which takes from the other two units of the apparatus what is most easily compressed into images: hence the caricatures, the frightening mobs, the concentration of "Islamic" punishment, and so on. All of this is then presided over by the great power establishments -- the oil companies, the mammoth corporations and multinationals, the defense and intelligence communities, the executive branch of the government. When President Carter spent his first New Year in office with the Shah in 1978, and said that Iran was "an island of stability" he was speaking with the mobilized force of this formidable apparatus, representing US interests and covering Islam at the same time.

Now let us see how this broad framework operates in the case of the Palestinian question.

On September 9, 1979 ABC broadcast a conversation between Barbara Walters and Yasir Arafat. The program was part of the network's Issues and Answers series, but it was taped on September 8 in Havana during the last hours of the Conference of Non-Aligned countries. Much of what was said in the US press about the Conference focused on the tensions between President Tito and Fidel Castro, yet ABC's choice of Arafat for what was to

be the only major TV coverage of the Conference indicated accurately enough that even in Havana the PLO and the Palestinian question stood at the center of the issues being discussed. Walters' prominence as a journalistic star gave the interview more gravity, as did the Middle East expertise she had gathered from having interviewed Anwar Sadat, Menahem Begin, and Arafat himself on previous occasions. I do not think it is wrong to assume that viewers were supposed to understand that Walters' "doing" Arafat meant that in some vague, undefined way History was being dramatized before their eyes. In this case the Historical Event was Arafat's trial for harboring intentions to destroy Israel and kill all the Jews.

Every so often in the interview Walters would put routine political questions: what did Arafat think of the resolutions (still to be voted on) condemning Egypt or supporting the PLO, what sort of aid was Cuba giving the PLO, was it correct that Arafat had intervened to forestall a UN Security Council vote on Palestinian rights so that Andy Young would not be embarrassed at having to cast a US veto? But the interview's main business consisted in a more and more impassioned Walters asking Arafat questions not of policy, but of destiny. Isn't it true, she asked three times, that the PLO's Charter advocates the destruction of Israel? Each time she asked the question, and each time she re-phrased it, her insistence declaimed moral partisanship; she was not "just" a reporter doing her job, she was Right asking (perhaps potential) evil to cease and desist from genocide; she was, in fact, raising the specter of the Holocaust before her audience's eyes, and quite decently exposing Arafat's latent Nazism to the world. He on the other hand hesitated, his poor English forcing him, time and again, to counter the question with the wrong question. Have you actually read the Charter and what disreputable translation did you use, he asked, as if the Charter guided his every move and as if only a linguistic philosopher could really decode the Charter's deep mysteries. How could Walters, scrupulously doing her job, know (and how much less likely was it that her viewers could know) that most of the frequent Palestinian criticisms of Arafat were that he did not truly observe one or another clause in the Charter. But that couldn't possibly emerge in such an interview anyway. What was astonishing was how quickly and easily a journalist could escalate the rhetoric from politics, to the grandiose level of History and Destiny, and, perhaps more maddening, how little of the same kind of rhetoric was ever directed against Israeli or Zionist leaders being interviewed.

Consider that as recently as 1969 Golda Meir said that Palestinians do not exist; since then every Israeli prime minister has referred to the four million Palestinians in terms that have been intended dramatically to express doubt about their genuine existence. General Rabin referred to them as "so-called Palestinians," and Menahem Begin calls them "the Arabs of Eretz Israel". Israel has no constitution, but in none of its Basic Laws is there a provision made for (much less a reference to) the 650,000 Palestinians who are in fact Israeli citizens. Moreover in having literally destroyed about 400 of the original 500 Palestinian villages, Israel not only eradicated a society, but dispossessed its people, occupied the remainder

of its territory, and continues to bomb, strafe, and punish its civilian refugee population without respite. Mr. Begin's party, the Likud, states quite explicitly in its constitution that Israel intends to hold on to the West Bank, and even to occupy the East Bank (that is, the sovereign state of Jordan). Yet in spite of all this, there has never been an occasion when a reporter in the US publically asked an Israeli politician questions about these matters. The great questions about existence, about genocide, about recognition are regularly asked of the Palestinians, who for reasons not convincing to them have been turned into high metaphysical abstractions all signaling the destruction of the Middle East's most powerful state, the end of the Jewish people, protracted terror and violence.

In this state of affairs, which is primarily a public information and policy question of very great moment indeed, print and broadcast journalism are seriously implicated. Barbara Walters is no especially culpable figure in this respect: she is, I believe, a well-intentioned reporter who has just followed unquestioningly in the trend, in the rhetorical space opened out before her for at least a generation. The result is that few people have been prepared to open the Palestinian file as something that represented a direct challenge to certain very concrete Israeli policies and to concrete aspects of Zionist history. On the one hand therefore most things about Israel appeared sacrosanct, since as an idea the country was a once empty land now filled with the remnant of those Jews destroyed by Nazism. On the other hand, since the Palestinians didn't really "exist", and since their narrative continuity as a people couldn't easily be ascertained (practically no works in English about them; they belong to the exotic Islamic Orient, not to the West; they were an essentially backward peasant people whose world silence could be interpreted as indifference) they came to represent nothing more than an obstacle to Israeli existence. In time, when it became clear after 1967 that Israel was going to have to deal with its non-Jewish subjects, Palestinians were an immediate flaw in Israel's actuality: how could Israel be said militarily to occupy territory not its own, how could mere Arabs unanimously resist Israeli "preventive detention" how could an organization such as the PLO, make claims on Israel's hitherto unqualified legitimacy and assert the presence of another people on the same Palestinian soil? All these questions were unilaterally equated with "terrorism" and a threat "to eliminate Israel, " and for politeness' sake not asked.

What happened, and why did it happen? The answer has very little finally to do with a Zionist lobby, although such a lobby obviously played a role of some sort. Let us start charitably with the understandable explanations first. Zionism can easily be said to have achieved remarkable things for Jews. However much the record may have caused disagreements within the Jewish community, I think it is true that in the liberal Western world's eyes the struggle for Palestine was an affirmative thing. Certainly after World War Two the struggle seemed irresistibly important, and Israel was established, part of the same effort that included the Marshall Plan, as one historian has recently said. No attention to speak of was given to what Israel cost the native Palestinians, whose actual numerical majority was three times greater than that of the ever augmenting number of incoming Jews as late as the spring of 1948. Except for the odd UN report neither

the academic experts on the Middle East nor the press provided much space to the Palestinian side of the story, which admittedly was mainly a story of loss, exile and dispersal. History seems always to be written from the victors' standpoint, and the Israelis were winners. In addition, Israel and pro-Zionist Americans provided the local consumer of news with what was happening: after all, how many Palestinians spoke or wrote English, and what to the average American did it mean to be a Palestinian and to suffer for it? Even today when the Arab world is full of civilian casualties, how many Arab funerals are shown on American TV? Whereas hundreds of thousands of Palestinians actually lost their country and became for the most part stateless exiles, no one could sympathetically name a single Palestinian, or identify with a Palestinian story the way readers of Exodus, admirers of Moshe Dayan, and students of Martin Buber could.

Into this vast gap about the Palestinians flowed a limited number of clichés, endlessly deployed, repeated, and rephrased by anyone almost unthinkingly. In the background lurked a strong Western prejudice against Arabs and Muslims - who were violent and uncultured terrorists - while in the foreground one could go on about Israeli modernity and democracy, about the Kibbutzim (all of which programmatically exclude non-Jews), about the marvelous army, and so forth. For journalists or politicians it was de rigeur to be "for Israel", as if that automatically meant being for civilization, against the Holocaust, and with the American way of life. By 1967 when Israel came into possession of approximately a million more Palestinians, to be "for Israel" meant being for life, for values, for civilization itself. The Palestinians were just there in order for Israel's "benign occupation" to be carried out. To be critical of Israel was to fall into the pattern set forth by Nazism. In the process of course the history of Zionism, which to some extent created today's militant Palestinian resistance, disappeared: Israel stood alone in the eastern Mediterranean, a virtuous plot of land without time, without any but the history of anti-Semitism, without people except surviving Jews and terroristic "Arabs."

As one watched Barbara Walters one could begin to understand why neither she nor her colleagues ever asked Begin, for example, where the Palestinians came from anyway, and why Palestinians should feel animosity towards Israel, or why most Africans and Asians identify with them and not with Israel. She didn't know and, what was more important, there was no rhetoric for her to use easily even if she knew. To a very great extent the recent US interest in the PLO is a function both of a renascent Palestinian political struggle and of a backward, novelty-seeking press, as well as the phenomenon referred to as "the return of Islam": but the shortcomings of that interests are equally a function of all three factors. In any case, were Arafat naturally to have spoken about his own life or the lives of his friends and relatives, then the concrete punishments of Zionism for the Palestinian might have emerged. And were Walters to have asked him a personal question - why do you and your young men and women willingly endure Israeli bombardment in your camps and still wage the struggle for Palestinian self-determination? -- the interview might have been informative. But the journalist could not escape the false positions into which one habitually fell in talking about the Palestinians and the Middle East. From one perspective, too much rhetoric and metaphysics; from another,

not enough concrete human detail.

The results of this skewed situation have recently been unimaginable for any other foreign policy question. Consider some recent grotesqueries, in which the US media and the politicians followed along pretty uncritically.

1. The Camp David events of September 1978: much talk about the Palestinian problem. A simple question arises. Why were no Palestinians present or consulted? I mean to say: even if Jimmy Carter, Sadat, and Begin were treated by Cronkite, Walters, and Brinkley with the respect normally given to prophets, would it not have been possible for someone to venture out loud that it was a bit peculiar to speak about and for Palestinians and not by any means to speak to them? And still we are informed every few days that Jimmy Carter, perhaps only to assure his re-election will, in his best presidential manner, bring Sadat and Begin to the White House to get the autonomy talks off dead-center. Yet, the New York Times tells us, there is no chance that Sadat and Begin will agree on the really crucial questions governing the colonial settlements, the question - however metaphysical it might seem to ordinary mortals - of Israeli security. So then one seems to ask (perhaps because it is too naive a question) why bother with an autonomy agreement, since none of the major questions, except sanitation, can be talked about and since it won't be accepted by anyone, least of all the Israelis who hold all the power or the Palestinians in whose benefit it is supposed to be occurring?

2. The recent (March 1980) UN vote after which the US disavowed its position. We now know that Ambassador McHenry actually flew to Washington with the text of the resolution in his pocket the night before the vote. What exactly was the failure to communicate then? Did the text drop out of his pocket between the airport and his arrival at the White House? Or was it that neither the President, the Ambassador, the Secretary of State, nor the National Security Adviser either singly or together understand the language of the resolution? Or was it that somebody else - perhaps Robert Strauss - instructed the President that the vote would have to be disavowed if the campaign were to continue successfully?

One cannot know of course, but these are not the really consequential questions. What counts, in my opinion, is that every candidate, including the President himself, has attacked a policy declared to be our policy in the name of that policy. Lewis Carroll could not have dreamed up a nicer conundrum, nor a cleverer logical and political absurdity. And still the UN constituency has not been heard from, just as the press -- which has been on the wrong side of every argument or prediction in the Middle East -- follows along sheepishly, reporting the idiocies with no indication that it is aware that they are in fact idiocies, not to be tolerated by any rational human being.

3. The question of human rights. On this point words nearly fail one, or if they don't, they ought to be extremely strong words indeed. Let me venture a few: it is a scandal that Palestinian rights are assumed to be negligible, and that such an assumption has become the common currency of everyday politics and discourse in the US. When the press and the government can whip up sentiment in America in favor of treating the ex-Shah as a charity case, hardly anyone except a courageous Australian journalist Claudia Wright has the courage to tell the story of Ziad abn Ein, a Palestinian who is being extradited by the US at Israel's simple request, in flagrant violation of every decent human sentiment and every known legal precept. Palestinian rights have been trampled on, they have been ripped up, torn to shreds in legal fact and in the bodies of our people. And yet no one says anything. Instead we have Senator Kennedy's fatuous words about Israel's security, as if the mere mention of the word Israel were enough to assure him of a place in posterity. One could go on and on.

But in the end the Palestinian problem is the Middle East problem. It is about the denial of human rights for "natives". It is about unremitting war raged by Israel against the non-European Arab inhabitants of Palestine, a war that continues today in war-destroyed South Lebanon and on the occupied territories. It is about unrestrained militarism, destruction, and overspending. Palestine is the human truth hidden beneath propagandistic thought-stopping headlines like "resurgent Islam", and "Middle East crises," and "Israeli democracy". The Palestinians are everywhere in the region: the Gulf is dependent on them, every Islamic movement supports them, every liberation movement sees their struggle as the vanguard struggle. Above all, the independence and democracy of the Palestinian political struggle represents a genuine alternative to superpower maneuvers in outmoded, unacceptable spheres of influence. After all, the Palestinian idea in its essence opposes religious and ethnic exclusivism, which have dispossessed all four million "non-Jews" (as Israel designates them officially), and proposes instead equality for Jews and Palestinians alike. This is not an idea to be backed away from, especially at a time when Americans have been fed a diet of ideological hatred for non-whites and for "Islam" and when no criticism of Israel is the easiest line to take in a country that is less critical of Israeli policies than Israelis themselves.

WESTERN PUBLIC OPINION AND THE PALESTINIAN PROBLEM

Thomas Chorherr

I have been invited to speak on the subject of "Western public opinion and the Palestinian problem" from the point of view of a European, or to be more precise an Austrian journalist, and I thank you for this invitation. The Palestinian problem is one of the great burning questions of our time and nobody working in the media can pass it by; it affects the foreign policy of every country as well as its foreign economic policy; frequently this question - Austria is a good example - affects domestic policy as well. The fact that I of all persons should have the honour of putting forward some thoughts regarding public opinion on the Palestinian problem before this seminar seems to me, however, to be an additional honour - I could even say that it has a touch of piquancy about it. I think I am right in regarding the invitation as proof of the kind of tolerance that is necessary on all sides today if the most important problems of our world are to be solved. I speak of tolerance because your invitation has gone to the Editor-in-Chief of the very newspaper whose literary editor many years ago originated the idea of a Jewish State. The name of the newspaper was then the "Neue Freie Presse" and the man whom I am speaking of was Theodor Herzl.

One could take the easy way out, particularly as an Austrian, and say that the fact that it was precisely an Austrian, Theodor Herzl, who first enunciated the idea of a Jewish State in Palestine at the beginning of the twentieth century still has an effect and influences public opinion, at least in my country. Such an explanation would be much too simplistic and would furthermore be wrong. Let me therefore analyse the subject a little. First of all I should like to go briefly into the question of the real meaning of public opinion in Europe and then throw some light on the question who forms or influences this public opinion. As the third point, more or less as my main point, I shall then try to give an account of public opinion on the Palestinian problem, and I should like to say at the very outset that there have been considerable changes in public opinion on this question in recent years.

What do we mean by public opinion? Many books have been written on this subject and only recently the well-known German public opinion analyst Elisabeth Nölle-Neumann published a book entitled "The Spiral of Silence", in which she refers to public opinion as "our social skin". John Locke was the first to mention public opinion in his writings. In his work "An Essay Concerning Human Understanding", which appeared in 1670, the great English philosopher and apostle of the Age of Enlightenment distinguished between three laws: Divine law, civil law and the law of opinion, which he incidentally equated with the concept of fashion in the figurative sense of the term. In fact, there is no very great difference between public opinion and fashionable opinion, at least as far as what are referred to as opinion-followers as distinct from opinion-leaders are concerned. And the fact that the concept of fashion can even be taken literally can be proved, precisely by the example of the Palestinian problem - as I will show later.

It was another British philosopher, David Hume, who stated an important principle regarding public opinion in his work "A Treatise of Human Nature": "It is on opinion only that government is founded". Joseph Glanvill was the first to mention, as early as 1661, the fact that there are various "climates of opinion" - and that also is a phenomenon that we can observe in relation with the Palestinian problem. Finally, Jean-Jacques Rousseau coined the phrase "opinion publique" (public opinion) from which he derived the "volonté générale" (general will). Here we can see the bridge between the British and French philosophers: government is possible only on the basis of opinion, in other words public opinion, which manifests itself as the general will.

That is all fine in theory, but in practice the question what public opinion really is still remains open. The major question that remains open is how public opinion is articulated, how it manifests itself. Certainly there are opinion polls. But it has been proved again and again that these can be mistaken. Public opinion is manifested most clearly in the media, and accordingly - at least in Europe - public opinion can be equated with published opinion. There is no doubt that public opinion is guided by the media and there is no doubt that it is shaped by the media. The mere choice of the news items to be published is an instrument for influencing opinion, and it is precisely the selection of news items that constitutes an important part of the responsibility that journalists have to bear in the newspapers and the electronic media. The journalist is compelled to select; it is not out of ill will that he passes news items over in silence - he must do so because of shortage of time or space. Only a small fraction of the events that happen every day in the world come to the notice of the media and only a small fraction of what they hear can be published.

The basic principles on which news items are selected for publication are left to the individual news medium or the editor - and they constitute an extremely important means of guiding public opinion. I can give extensive coverage, small coverage or no coverage at all to the explosion of a bomb in front of a supermarket in Tel Aviv; I can give extensive coverage, small coverage or no coverage at all to bombing attacks on Palestinian camps in which women and children are killed - the way in which such reports are published has a decisive effect on forming public opinion.

There is a further factor. As a journalist one can describe a fact accurately and yet allow one's opinion to creep into the description. An example: a half-filled glass can be described as half-empty; this will be felt to be a negative approach if the liquid in question is wine and as a positive one if it is bitter medicine. But the glass can also be referred to as half-full, and then exactly the opposite is the case: if it is wine, we feel pleasure, if it is medicine, we do not feel pleasure. In each particular case, however, the writer has said the truth and nothing but the truth. If we apply this principle to reporting on the Palestinian problem through journalism, I can, according to my personal viewpoint, describe a bomb explosion in Tel Aviv as an act of liberation or of terrorism and I can describe Palestinian commandos as freedom fighters or terrorists. And I can describe an aerial attack by the Israelis on refugee camps or a commando raid against a coastal resort in the Lebanon as terrorist aggression, as an act of retribution or as a pre-emptive strike.

We usually underestimate the importance of language in the shaping of public opinion and I am ready to admit that journalists are sometimes all too thoughtless in the use of words, which then become political concepts. It makes a great deal of difference whether a newspaper refers to the Afghan units fighting against the Soviet troops as insurgents or rebels (both would mean that they are opposing the legally constituted order) or as freedom fighters.

But let us return to the subject of Palestine. While I was still at secondary school I was a keen follower of current events in the newspapers and on the radio and I remember that when Palestine was mentioned in 1946 and 1947 journalists and radio commentators spoke of the Stern gang. But nowadays, when the former military underground organization is referred to, it is described as the Stern group, and the reason seems to be not only that one of its most important members is today the head of the Israeli Government. This reminds me that one could distinguish the trend of a person's thinking according as to whether he referred to the Baader-Meinhof gang or the Baader-Meinhof group. In this case, the development has been in the reverse direction: from the group to the gang, whereas the Stern gang has become the Stern group.

Before I turn to the central point of my short statement, may I briefly recapitulate. Public opinion is a diffuse concept that is difficult to define and can be equated with published opinion, at least in central Europe, and in my opinion also in the entire West. In any case, public opinion is controlled, and frequently also manipulated but at least formed and shaped, by published opinion. Published opinion in turn depends, or rather the media and therefore the people in the media, if they are responsible journalists, depend, on sources of information. If information has been discovered or can be easily obtained, there is a tendency to regard sympathetically those who give information willingly.

Those who adopt a reserved attitude towards the media, or even a totally reserved attitude, frequently have something to hide, which makes them suspect from the very outset. Now it is a fact that information policy regarding the Palestinian problem was dominated exclusively by the Israelis up to a few years ago - one could say up to the beginning of the 70s. From its establishment in 1948, Israel carried on public relations in the best sense of the world, whereas the Arab side took no action of any kind in this direction.

What do we mean by public relations, ladies and gentleman? Certainly not political propaganda, though the line of division may be difficult to define. Certainly not the accumulation of primitive slogans and foolish catchwords, and certainly not a crass black-and-white presentation. No, public relations, as the name implies, and in my opinion the term cannot be translated into any other language, covers all relationships with the public. By that fact alone, this concept differs from that of advertising, although advertising is part of public relations. The way in which I inform the public, importunately or quietly, whether I give information aggressively in large doses or so to speak only pinch by pinch - that precisely makes the difference between bad advertising or propaganda and good public relations.

But the methods with which the Palestinian cause was pursued in the 60s were neither propaganda nor advertising, far less public relations. Then it was not even necessary for the Israelis to pass on information subtly in order to obtain headlines in the European newspapers. Every aircraft hijacking, every act of violence on the part of the Palestinians in which persons not involved in the conflict were injured, swayed published and therefore public opinion against the Palestinian cause, because, in the view of public opinion, a good end cannot be achieved by bad means. The policy adopted by the Palestinians at that time did enormous damage to their cause. It was the opposite of public relations.

Public relations in Western Europe - and I am intentionally speaking of Europe and not of the United States of America, because the strong Jewish lobby there has created other bases for shaping public and published opinion - public opinion in Western Europe was therefore influenced in these years by the fact that, in the course of action aimed at damaging Israel, citizens of other countries were at least deprived to some extent of their rights and were frequently injured or even killed. The attempt to isolate Israel was in the view of this public opinion pursued with the wrong means and boomeranged on those who used these means.

There was another factor in the shaping of public opinion on the Palestinian problem in the 50s and 60s. In the eyes of public opinion, as small State was surrounded by very powerful enemies who neglected no possibility of destroying this small State. A brave people - in the view of public opinion - asserted itself, made the desert blossom as the rose, and was guided solely by the desire to live in peace and security with its neighbours. For after all, in the eyes of the media or of public opinion, this State had been established under the auspices of the United Nations and was therefore so to speak under the protection of the United Nations; all it wanted was to survive. In the eyes of European public opinion, Israel had, and still has, an indisputable right to existence.

My description would be incomplete, however, if I did not refer to a third important point which influenced public opinion in Western Europe in favour of Israel - and accordingly against the Palestinians - in the 50s and 60s. This was the deep feeling of guilt, which most Western European States still feel, with regard to the Jews, which they have transferred to the Jewish State of Israel. The murder of 6 million Jews in the concentration camps during the Second World War, referred to by the Americans as a holocaust, still burdens the conscience of the wartime generation; those born after the War are also told that they should not feel themselves free of this guilt; which is a kind of original sin inherited from Fascism and National Socialism.

Accordingly, public opinion in post-war period was very sensitive in matters regarding Israel and transferred the process of spiritual reparations into sympathy and good-will for the State of Israel and its policy, particularly its foreign policy. Criticism of Israeli policy was all too easily interpreted as a resurgence of anti-Semitism. In her memoirs, which I have read very carefully, Golda Meir, who was for many years Minister for Foreign Affairs and

later Prime Minister of Israel, expresses that line of thought very clearly, and it runs like a kind of leitmotiv through her book: she said in effect that it was the duty of the West, in view of its monstrous burden of guilt, to defend Israeli policy for better or worse.

Therefore we can sum up and say that, up to the beginning of the 70s, public opinion on the Palestinian problem was controlled by the following important factors: by a clever and subtle public relations policy on the part of Israel, by a clumsy policy of the Palestinian organizations, which relied more on violence than on public relations, and by the uneasy conscience of the European states, particularly of the media, with regard to Israel.

In the 70s, an extremely noteworthy development took place in the shaping of public opinion - a development that has become accelerated in recent years and has led to a swing in sympathy or, to put it more accurately, to equilibrium in sympathy. If we are to examine the question what attitude public opinion now adopts towards the Palestinian problem, we can start from the following premise: public opinion still takes the view that Israel has the right to existence and even more that it has the right to existence in peace within secure frontiers. But, on the other hand, the balance of public sympathy has inclined more to the Palestinians. Public opinion now recognizes that the Arab population of Palestine have the right to peace, security and a land of their own, all bound up with the concept of self-determination. I mentioned previously that public opinion was equated with fashionable opinion by an English philosopher and that this comparison could even be taken literally. In this context, one should not underestimate the fact that Arab headcloths or neckcloths, commonly referred to as Palestinian scarves, are now frequently being worn by girls and young women. That is largely a matter of fashion and sheer imitation, to be sure. But there is also something demonstrative about it. Possibly, it is desired to demonstrate a feeling for justice in this way.

This increasing equidistance of public opinion in Europe towards the two sides is a concurrent development with the rise of the post-war generation, which can separate reason from emotion. The claim of Israel to unconditional support of its foreign policy by the West, stemming from the holocaust, is no longer shared by public opinion in this new generation. However, also with the middle generation, there has been a swing in opinion towards equidistance, and this is not only related to the fear of the use of the oil weapon.

It is rather that the Palestinian organizations have changed the tactics that largely influenced international public opinion against their position. They no longer hijack aircraft, they no longer engage in spectacular action abroad and they place more value on influencing public opinion in their favour. On the other hand, Israeli policy in the occupied territories in recent years has increasingly encountered a lack of sympathy and even outright rejection on the part of public opinion.

In this context, an important point should not be overlooked. Wherever a territory is dominated by an occupying power, the occupiers run the risk of creating a current of public opinion against them in other countries as well. Europe itself experienced occupation during the Second World War, and Central Europe experienced it after the war. The existence of military administrations is still fresh in the memories of the public, and oppression by occupying powers, demonstration bans and curfews are familiar to the younger generation as well. The clear swing, this more or less drastic change in public opinion on the Palestine and Palestinian problem, came about not least as the result of Israeli occupation policy in West Jordan. Events such as forbidding the West Bank mayors to leave the country or a fortiori the death of two Palestinian detainees who were force-fed in Israeli prisons during a hunger strike, contributed towards this change in public opinion.

This change has also been accelerated by the increasing hardening of Israeli foreign policy or Israel's policy regarding the occupied territories. In this context, the settlement policy in particular encounters no sympathy or very little sympathy in Western public opinion, the policy of creating faits accomplis is regarded in the West European media and in public opinion in these countries as a kind of deliberately pig-headed policy. The deliberate interpersing of new Jewish immigrant settlements in Arab settlement areas encounters less and less sympathy in European public opinion.

In this context, I should not conceal the fact that the importance of political flexibility, above all in foreign policy, is held in high esteem, precisely in my country, and that precisely in Austrian public opinion a healthy pragmatism that does not abandon principles of foreign policy seems to be important. Only a short time ago we celebrated the twenty-fifth anniversary of the Austrian State Treaty here in Vienna and on this occasion the Foreign Ministers of the four Great Powers came to Vienna, as did the Secretary-General of the United Nations and the President of the United Nations General Assembly. It was flexibility in foreign policy coupled with a strict adherence to the ideological basic line of our foreign policy - if you wish to call it that - that brought us the State Treaty in 1955. The Austrians hate stubbornness and has a high regard for persistence, but only when there is a prospect that it will lead to success. We have a very apt saying to illustrate senseless stubbornness: "It serves my father right that I've got cold hands - why didn't he buy me gloves!" Public opinion in this country - and in most other European countries - tends to condemn the stubbornness of the present Israeli leaders. In particular the declaration of Jerusalem as the eternal and indivisible capital of the State of Israel is interpreted as a deliberate act of provocation.

A further point should not be forgotten. Austria, which had been occupied by foreign troops since 1938, applied for membership of the United Nations immediately after the entry into force of the State Treaty in 1955 and has since been an active member of the world organization. Austrian soldiers have served in the peace-keeping activities of the United Nations and some of them have given their lives in this cause. With a few scattered exceptions, the main weight

of public and published opinion is behind the United Nations, its activities and resolutions. Disregard for the United Nations, of which Israel is accused, runs counter to this point of view. And that also has been reflected in the development of public opinion on the Palestine conflict.

Therefore, as you see, many factors have shaped opinion and have contributed to a change in public opinion on the Palestinian problem. We should be shutting our eyes to the truth, however, if we did not also mention the importance of oil. It is not so much the fear of the use of oil as a weapon that has helped to change opinion. It is, or so it seems to me, also the fact that, as a result of the uncertainty in fuel supplies, public interest in developments in the Near East has increased. And as a result of this increased interests, people have begun to think more about the roots of the problem.

I am coming to the end of my statement and should like to sum up. In recent months we have experienced in Western public opinion a growth of sympathy for just demands of the Palestinians. We are experiencing a departure from the axiom that applied up to the beginning of the 70s, namely, that the policy of Israel had to be supported unconditionally and that of the Arabs had to be rejected just as unconditionally. This is due not least to the improvement of public relations by the Palestinians, combined with increasing rigidity in Israeli policy, which is criticized by large sectors of the public.

Another cause, and one that seems to me to be particularly important, is the fact that, in the eyes of public opinion, it is the voice of the moderate and not the radical forces within the Palestinian movement that is making itself heard. The opinion is held in Western media that the Palestinians as well are coming to realize that the State of Israel is entitled to exist.

So if I were asked to say what position public opinion in the Western European States adopts towards the Palestinian problem, I should have to put it in approximately the following terms: It is the prevailing view that Israel's right to existence is indisputable, and that its right to existence in peace within secure frontiers is also indisputable. On the other hand, it is the prevailing view that the same rights must also apply to the Palestinians, and that the fate of the Palestinians' country cannot be decided over their heads - and by their country I mean mainly the West Bank. In European public opinion, occupations are regarded as temporary phenomena of political development and should not lead to annexation. In a time in which there is so much talk of the self-determination of the peoples, participation in decision-making is the very least concession that can be made.

But in general, public opinion expects a moderate attitude on the part of the Palestinians. It would be fatal if there were again to be a large number of military or pseudo-military activities. It would be no less fatal in the eyes of public opinion if the rigid and intransigent Israeli policy in the occupied territories and aggressive action were to be continued, say, in the form of pre-emptive strikes.

You may tell me that is not a description of public opinion. But it is. Public opinion varies; if it is today more on the side of the Palestinians, it can tomorrow take sides for the Israelis. Perhaps I can quote as an illustration what was said by an Austrian who has recently visited Israel, the West Bank and the adjoining countries. He is an open-minded man, who is not involved either in journalism or foreign policy, and is a typical representative of public but not published opinion - over and above that he is an opinion leader. When he came back home he said to me: "I have spoken to representatives of all sides. Palestinian, Israelis, Arabs, Christians and Jews. And it seems to me that they are all right to some extent."

It seems to me that one could not give a more appropriate description of public opinion on the Palestinian question. And unfortunately there could not be a more drastic statement of the problem.

THE PALESTINIAN ISSUE AND WESTERN
PUBLIC OPINION

Richard P. Stevens

A growing concern with maintaining access to Arab oil resources has induced some western industrial states to reexamine their attitude towards the Palestinian issue, an issue which vitally affects the entire Arab world. In many instances, fear of Arab retaliation against countries refusing to give the Palestinian issue proper consideration has even resulted in governments acting in advance of their own public opinion. This development, however favorable, must not be permitted to obscure the basic fact that very little of substance has yet occurred to change public opinion in the United States, at least insofar as that opinion is publicly articulated. Thus, the general media continues to ignore the fundamental issue of Palestinian rights and American politicians vie with each other in emphasizing their commitment to the State of Israel. That this should be the case, despite growing international concern with human rights and national concern with energy shortages, speaks eloquently of the advantage which Zionism and Israel have traditionally enjoyed in the United States and other western countries.

The sources of western public opinion formation are multiple and complex but few would deny the crucial role of the press. Although detailed studies of media treatment of the Palestinian issue in all western countries does not exist, a general perusal of Canadian, German, Dutch, Scandinavia, Australian and South African publications bears out the same conclusion, namely that there has been a decided bias against Palestinians (Arabs) and an open sympathy with Israel and Zionism. Detailed studies of media treatment of the Palestinian issue in the United States and Britain have been produced by Janice Terry and Gordon Mendenhall 1/ and by Michael Adams and Christopher Mayhew. 2/ Both of these remarkable studies provide abundant evidence of bias and deliberate media manipulation. Although the conclusions of these studies are of great significance it is not the intention of this brief presentation to summarize or chronicle the details of anti-Palestinian bias. Rather, it is here intended only to underline the political and historical elements which account for the general unwillingness of western public opinion to understand the Palestinian issue.

The the broad view, lack of sympathy for the Palestinians on the part of western public opinion has been linked to such general factors as 1) western bias towards underdeveloped, non-western countries and conversely a fundamental respect for Israeli technology and modernity; 2) a bias against Islam and all things associated with that religion dating back to the Crusades; 3) ignorance of the Arab and Islamic world; 4) an ethno-centric Judeo-Christian religious tradition which accords special respect to Jewish definitions. 3/ At the same time, much has been made of the inability of the Arab world to communicate with the west, to understand the nature of western public opinion formulation, and to restrictions imposed on western journalists. Glaring failures of some

Arab countries to guarantee the human and civil rights of their own citizens has also generated anti-Arab opinion which has reflected adversely upon Palestinians.

Notwithstanding the importance of these factors as contributory causes to anti-Palestinian western opinion, none of them properly account for the fundamental unwillingness of western public opinion to understand the Palestinian question or to accord Palestinians the same respect as Jews. That such is the case must chiefly be attributed to the nature of Zionism and its capacity, over the past eighty years, to associate itself with the primary power thrusts of the western world. Thus, while in pursuit of its goal first to create, support and then justify an expansive Jewish state, the Zionist and Israeli leadership have displayed an astute understanding of the political dynamics of the western world wherein political Zionism itself originated. At the same time, this leadership, committed to fixed goals, has been successful in developing into a fine art the Machiavellian axiom that the end justifies the means. Thanks to the western origins of political Zionism, where a pluralistic cultural and political environment gave rise to a host of contending but potential supporters, Zionists from the first understood the importance of utilizing and balancing a vast arsenal of enticements and rewards, threats and punishments. They well understood the potential for public opinion to lead governments, and governments, in turn, to stimulate public opinion. Finally, they understood the advantage of temporary compromise, of taking two steps forward and one backward, in pursuit of long-range objectives. The Zionist leadership assumed as fundamental that their interests took precedence over every national consideration.

While Zionism thus bears considerable credit for the supportive role of western public opinion, the crucial role of western imperialism must also be stressed. Thus, from the earliest days of political Zionism a substantial number, first of British architects of empire, and then their latter-day American neo-imperialist successors, saw in Zionism a useful device for promoting western interests. Consequently, the marked antagonism displayed by western public opinion towards the Palestinians -- an antagonism which for long even refused to acknowledge their existence (in the Balfour Declaration of 1917 they were referred to simply as the "non-Jewish inhabitants")-- was the reverse side of an imperialistic and racial impulse which readily embraced political Zionism. Adopted first by Britain and its junior dominion partner, the Union of South Africa, Zionism, in the opinion of the South African leader, General Smuts, was a potentially ally in the defense of Britain's primacy on the African continent. ^{4/} Consequently, with the decline of British imperial power and the passing of the western power mantle to the United States, political Zionism successfully adopted its tactics and strategy to the new world power realities. Thus, in 1942, three years before World War II had ended, the Zionist leadership had recognized that it would henceforth be the United States, and not Britain, which would determine the fortunes of the Zionist movement. But even as Britain was abandoned, the lessons of the British political environment were not forgotten. Just as Zionist leaders had attached themselves to the most prominent labor, liberal and conservative leaders, in America also they competitively courted both Republican and Democratic parties. In a plan

articulated by Rabbi Abba H. Silver immediately after he assumed the co-chairmanship of the American Zionist Emergency Council with Rabbi Stephen Wise, the necessity of utilizing public opinion was stressed:

"We must build upon the broad base of public sentiment, the approval of public opinion which in the final analysis determines the attitude and action of governments in democratic society ... Put not the future of our movement in the sole keeping of individuals, however friendly, however great; appeal to the masses of the people of the world; talk to the whole of America; make friends everywhere; carry on an active educational propaganda in your circle, within the sphere of your influence, among your own friends. That will sustain them when they come to make important decisions which may involve America's participation in the ultimate solution of the Palestine problem. 5/

In terms of this strategy announced at the 1944 Convention of the Zionist Organization of America, comprehensive plans were developed which reached into every corner of public opinion formulation -- press, radio, churches, labor unions, veterans organizations, political parties. Directed and monitored by the Zionist Organization, through a variety of intermediate offices, no group or organization was too small to be ignored in the process of soliciting support for whatever the current Zionist position might be. A variety of devices were also utilized to assure financing, through Jewish welfare and community service organizations, state, national and international. Thus, the Zionist success in Britain, where support of Zionism was linked with such diverse appeals as humanitarianism, Christian fundamentalist theology, Fabian socialism or geo-political strategy (i.e. a Jewish state as a bulwark of British interests at the strategic-resources crossroads of the world), was repeated in the United States.

In like manner, in the diplomatic arena, it was the Zionist capacity to win the life-long support of the racist South African prime minister, Jan Christian Smuts, a founding father both of the League of Nations, its mandate system, and the United Nations, which goes far to explain the early success which Zionism enjoyed with western public opinion. That General Smuts should have been universally regarded in the western world as an outstanding liberal statesman, despite his dedication to white supremacy in South Africa and South West Africa, also accounts for the Zionist success in building up its power base in the same circles. Although the United Nations, like the League of Nations, was far from being truly representative of the world community until after 1960, certain international positions supportive of Zionism and Israel long remained unchallenged within that body. It was that early international pro-Zionist climate which not only gave the Zionist Organization access to Whitehall and the White House, but also to the governments of many states. Assisted by the South African Permanent Mission to the United Nations, the President of Costa Rica and many other supporters, the Zionist Organization was able to win the backing of the United Nations between 1945 and 1948 for the establishment of a Jewish State.

Although an expanded United Nations membership is now willing to consider the Palestinian issue on its merits, it must be noted that the nucleus of western pro-Zionist support, primarily the United States, still remains the fundamental guardian of Israeli interests and conversely sustains anti-Palestinian opinion. That this is the case, given the strong institutional bias, is less attributable to Arab informational inadequacies, to divided Palestinian voices, or to the relatively small number of Arab citizens of western countries. Rather, the bias of the western media against the Palestinians is rooted in the remnants of an imperial and neo-imperial racist legacy, rationalized and justified in the name of an ethno-centric Judeo-Christian tradition, as a commitment to western democracy (purportedly embodied in the pluralistic political system of Israel and despite such fascist practices as collective punishment, forcible occupation of land and torture), or in consideration of its potential as a western military base.

In view of the historical context in which Zionism arose and flourished, it is understandable that this racially exclusive movement should find its strongest support in the United States. First and foremost, it must be understood that the ethnic distribution patterns, wherein Jewish citizens (including almost ten per cent of the Israeli population which has emigrated to the United States), are located in the major American cities, has a dominant impact on public opinion formation. That New York City, the home of more Jews than are to be found in the State of Israel, is also the center of the American communications network and a prime cultural determinant in American life, should project a pro-Israel, anti-Palestinian image is to be expected. The usual American insistence on objectivity is unhesitatingly set aside as major newspaper, radio and television networks send Jewish reporters to cover the Israeli scene. Needless to say, an Arab-American representative of the New York Times in Israel, Lebanon or Jordan would be a rare phenomenon. It is another fact of American life that Jews were able to advance in the media in keeping with the liberalization of the country's social structure. Correspondingly, few could deny the proclivity of Jewish reporters to identify with Israeli interests. The occasional Jewish anti-Zionist writer is an object of constant villification. Even in those instances where newspaper reports on the Palestinian issue might be neutral in content, it is most common for news editors to distort the report with misleading headlines, bury the report well within the paper, or dilute it with patently offensive anti-Arab cartoons. That such journalistic and media behavior stirs no outcry of racial bias is in itself a testimony to the strength and self-assuredness of those who set the tone of the American media.

Even as the international community, as exemplified by this conference, takes account of the legitimate rights of the Palestinian people, we are forced to note that the anti-Palestinian bias of American public opinion is much in evidence. While some improvement has undoubtedly occurred in marginal areas of western public opinion formation, the broader international community must focus more strenuously upon those states whose national interests more immediately dictate divergence from the American path. Thus, increasingly isolated, Americans might begin to question the causes of their isolation and reach

beyond the constrictions imposed by the traditional public opinion formulators. Only then can a new course be charted which would permit the Palestinian issue to receive the understanding and sympathy which justice dictates.

Notes

1. Janice Terry, "A Content Analysis of American Newspapers," in The Arab World From Nationalism to Revolution (ed. Abdeen Jabara and Janice Terry)
2. Michael Adams and Christopher Meyhew, Publish It Not (London, Longman, 1975)
3. Ahmad Baha el-Din, "World Media and the Arabs: An Arab Perspective" in Jabara and Terry, op.cit., pp. 77-85.
4. Richard P. Stevens, Weizmann and Smuts: A Study in Zionist-South African Cooperation (Beirut, Institute for Palestine Studies, 1975).
5. "Political Report Submitted to the Convention of the Zionist Organization of America, October 15, 1944, quoted in Richard P. Stevens, American Zionism and U.S. Foreign Policy, 1942-1947 (reprinted Institute for Palestine Studies, 1970).

5. LIST OF PARTICIPANTS

Group of Experts

<u>NAME</u>	<u>COUNTRY</u>
Michael Adams (Editor)	United Kingdom
Anatoli Agaryshev (Prof.)	Academy of Sciences, USSR
Naseer Aruri (Prof.)	Southeastern University, USA
Dominique Chevalier (Prof.)	Sorbonne, France
Thomas Chorherr (Editor)	Die Presse, Austria
Sabri Jiryis (Director)	Palestine Liberation Organization, Research Centre, Beirut.
Sally V. Mallison (Research Associate)	George Washington University, USA
W. Thomas Mallison (Prof.)	George Washington University, USA
Sulayman S. Nyang (Associate Prof.)	Howard University, USA
Edward Said (Prof.)	Colombia University, USA
Archie W. Singham (Prof.)	City University of New York, USA
Ingo Schoenfelder (Prof.)	Karl Marx University, GDR
Hisham Sharabi (Prof.)	Georgetown University, USA
Richard Stevens (Prof.)	Southeastern University, USA
James Zogby (Chairman)	Palestine Human Rights Campaign, USA

REPRESENTATION OF THE COMMITTEE ON THE EXERCISE OF
THE INALIENABLE RIGHTS OF THE PALESTINIEN PEOPLE

<u>NAME</u>	<u>COUNTRY</u>
H.E. Falilou Kane (Senegal)	Chairman
Sumaryo Suryokusumo (Indonesia)	Rapporteur
Shamshad Ahmad (Pakistan)	Member
Zehdi Terzi (Palestine Liberation Organi- zation)	Observer

COUNTRY REPRESENTATION

NAME

Ahmed Oucif (Counsellor)	Embassy of Algeria, Austria
Ariel Ricardo Mansi (Third Secretary)	Embassy of Argentina, Austria
Vladimir Kochelev (Prof.)	Minsk University, Byelorussian Soviet Socialist Republic
Fan Huishun (Attaché)	Embassy of China, Austria
H.E. Jaime Posada (Ambassador)	Embassy of Colombia, Austria
Guillermo Orjuela Bermeo (First Secretary)	Embassy Colombia, Austria
H.E. Andreas Pouyouros (Ambassador)	Embassy of Cyprus, Austria
Juan Salazar (First Secretary)	Embassy of Ecuador, Austria
H.E. Ahmed Ezzat Abdellatif (Ambassador)	Embassy of Egypt, Austria
Geza Rybka (Counsellor)	Embassy of Hungary, Austria
Dalindra Aman (Minister-Counsellor)	Embassy of Indonesia, Austria
Mohammad Abed-Navandi (Chargé d'Affaires a.i.)	Embassy of Iran, Austria
Nasif Awad (Government official)	Iraq
Musbaa Al-Asil (Adviser)	Embassy of Iraq, Austria
Ahmad Hassan (Arab Department)	Ministry of Foreign Affairs, Jordan
H.E. Hassan Ali Dabbagh (Ambassador)	United Nations, Geneva
H.E. Abbas Hamiye (Ambassador)	Embassy of Lebanon, Austria
Jihad Mortada (Counsellor)	Embassy of Lebanon, Austria
H.E. Mansur Kikhia (Ambassador)	Embassy of the Libyan Arab Jamahiriya to the United Nations, New York.
Abdul K. Ghazzali (Chargé d'Affaires a.i.)	Embassy of Malaysia, Austria
Francisco Olguin Uribe (Third Secretary)	Embassy of Mexico, Austria
S. M. Inamullah (Counsellor)	Embassy of Pakistan, Austria
Shamshad Ahmad (Deputy Permanent Representative)	Mission of Pakistan to the United Nations, New York.
H.E. Fahd bin Fahd Al-Khater (Ambassador)	Embassy of Qatar, Austria
Marcel Dinu (Director)	Ministry of Foreign Affairs, Romania
Marin Buhoara (First Secretary)	Embassy of Romania, Austria
Saxina Zafferani (Official of the Secretariat for Internal Affairs)	San Marino
H.E. Abdullah A. Al-Khayyal (Ambassador)	Embassy of Saudi Arabia, Austria
Salah Al-Sharikh	Embassy of Saudi Arabia, Austria

M. de la Camara Hermoso (First Secretary)	Embassy of Spain, Austria
Taoufik Aschi (Counsellor)	Embassy of Tunisia, Austria
Youssef Ben Haha (First Secretary)	Embassy of Tunisia, Austria
Sula Soysal (Counsellor)	Embassy of Turkey, Austria
Abdulridha al-Asfour (Counsellor)	Embassy of the United Arab Emirates, Austria.
Abdulkhaleq Bin-Da'ar (Third Secretary)	Embassy of the United Arab Emirates, Austria.
Feliks N. Strok (Counsellor)	Mission of the USSR to the United Nations Industrial Development Organization
H.E. Adnan Tarcici (Ambassador)	Embassy of the Yemen Arab Republic, Austria.
H.E. Ngongo Kamanda (Ambassador)	Embassy of Zaire, Austria
Di Nenkoti Zitu (Counsellor)	Embassy of Zaire, Austria
Goie Kabuya (First Secretary)	Embassy of Zaire, Austria

REPRESENTATION OF THE PALESTINE LIBERATION ORGANIZATION

Ghasi Hussein (Permanent Observer)	Permanent Mission of the Palestine Liberation Organization to the United Nations Industrial Development Organization
Fawzi Zabaneh	Permanent Mission of the Palestine Liberation Organization to the United Nations Industrial Development Organization

REPRESENTATION OF UNITED NATIONS ORGANIZATIONS AND SPECIALIZED AGENCIES

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)

Abdallah Elias Bishouty, UNESCO Consultant
Raymond Finan (Budget Officer, Education Department)

Food and Agriculture Organization of the United Nations (FAO)

André de Fauconval (Chef Europe) Division des Opérations Agricoles

United Nations Educational, Scientific and Cultural Organization (UNESCO)

Frank B. Turpault

ORGANIZATIONS

Austrian Society for North-South Relations

Josef Auer

Wolfgang Schmidt

EURABIA

Hans Peter Kotthaus (Director)

IFMSS

Sidney O'Donoghue

International Progress Organization (IPO)

Hans Koechler (President)

Malik Radif (First Vice-President)

International Federation of War Resisters

Jean Jacques, GOS (Secretary)

Trade Union Friends of Palestine (UK)

E. Ross (Member of Parliament)

Union Belge pour la Défense de la Paix

Jack Houssa, Médiathèque Communauté française-belge

